DÁIL ÉIREANN

# SUÍONNA PRÍOBHÁIDEACHA AN DARA DÁIL

(Private Sessions)

1921-1922

Mary Foley

# DÁIL ÉIREANN

# SUÍONNA PRÍOBHÁIDEACHA AN DARA DÁIL

**Miontuairiscí na nImeachtaí**

**18 Lúnasa 1921 go 14 Meán Fómhair 1921**

**agus**

**Tuairisc na nDíospóireachtaí**

**14 Nollaig 1921 go 6 Eanáir 1922**

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# PRIVATE SESSIONS OF SECOND DÁIL

**Minutes of Proceedings**

**18 August 1921 to 14 September 1921**

**and**

**Report of Debates**

**14 December 1921 to 6 January 1922**

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DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.
To be purchased from the
GOVERNMENT PUBLICATIONS SALE OFFICE, G.P.O., ARCADE, DUBLIN,
or through any Bookseller.

65p

Owing to the length of time which has elapsed since these Private Sessions were held and the editorial problems posed by the records, the Committee on Procedure and Privileges of the Dáil decided to invite Mr. T. P. O'Neill, M.A., History Department, University College, Galway, to prepare the material for publication.

The Ceann Comhairle and the other members of the Committee wish to place on record their appreciation of the valuable work done by Mr. O'Neill.

# INTRODUCTION

The documents in this volume have been preserved since 1921 in Dáil Éireann. They relate to sessions of the Second Dáil which dealt with matters considered best discussed in private. Most important among them were the question of entering into negotiations with Britain, the appointment of delegates to a peace conference and, ultimately, the agreement which that conference produced.

There is a fundamental difference between the surviving records for the private sessions of August and September 1921 and those of December 1921 and January 1922. The former are minutes of proceedings while the latter are reports of debates.

The typescript minutes of proceedings of the private sessions held during August and September 1921 appear to have been prepared by officials from shorthand notes. These shorthand notes have survived and comparison of them with the minutes shows that the latter are as complete a record as it is possible to make from the notes. On the basis of the known length of certain sittings it may be accepted that the minutes represent but one third or so of the words spoken in these sessions. All speeches, with but few exceptions, are recorded in the third person. Where blank spaces were left in the original typescript for the insertion of letters or other documents they have been put into the record wherever possible. For example, the letters between General J. C. Smuts and President Eamon de Valera of 29 and 30 June 1921 were not recorded in the minutes for 22 August 1921 but they have been inserted to complete the record. On the other hand it has not been possible to find a copy of the "Bill to enlarge the powers of the Corporation of Cork" introduced on 14 September 1921 to complete the record for that date. It may be worth noting that while legislation by the Second Dáil was by decree the words bill, law, motion, order and decree are used as synonymous in the minutes.

The reports of the December 1921 and January 1922 meetings were more complete but less carefully prepared than the minutes of the meetings of a few months earlier. They consist of six typescript copies made up of two distinct typings with two carbon copies of each. It is clear that the second typescript was copied from one of the carbon copies of the first typing, a copy which while defective in some ways contained a number of manuscript emendations. A detailed comparison of all six copies has been made in preparing the present text. While no very substantial difference between them has been noticed the comparison has helped to make it possible to present a better text than would have been provided by publishing any one of them alone. The original shorthand notes of the debates of this period have not survived in the records of the Dáil so it was not possible to make any comparison between the text and the reporters' notes. Indeed it appears that there were a number of reporters who participated in making this record. If the typescript is any guide, it seems clear that at least one of them was not up to the standard of the others—there are sections of the text which are quite unintelligible. It is worth noting that part of a speech in Irish by Pádraig Ó Máille on 16 December 1921 was not recorded while a speech in that language by Fionán Ó Loinsigh was summarised in English. There were more obvious reasons why a statement by Cathal Brugha on defence was not recorded. His observations, and those of members who were army officers, on the state of the army were considered so confidential that they were not put on paper. Apart from this it appears clear from the text that a speech ascribed to Countess Markievicz on 17 December was not in fact delivered by her, while another on the same day ascribed to Liam de Róiste would appear to have been delivered by Seán Etchingham. These points are mentioned as warnings to those who use this report that it must be used with care.

In the texts here reproduced the spelling of names of members has been standardised to the form used in the published official reports of the debates of the Second Dáil. All headings appear as in the original typescript and are not an editorial addition. Occasional footnotes have been inserted to point out certain difficulties in the text. Obvious literal errors have been silently corrected but more substantial corrections or suggested emendations are clearly indicated by being placed within square brackets. Where members quoted from documents in the course of their speeches these quotations have been checked against available official sources to eliminate any reporting errors.

One of the purposes of the private sessions of December 1921 was to allow members of the Dáil to discuss documents which could not, at the time, be made publicly available. Without these documents it is felt that this record might not be fully intelligible. Eight documents were circulated to members. No authoritative list of these eight documents has survived in the papers of the Dáil but it would appear that they are those printed in Appendices 5, 6, 7, 8, 10, 11, 12 and 14. Appendix 1 is the Constitution of Dáil Éireann as amended on 25 August 1921. This is followed by two decrees of the same day and by one of the next day. Then follow the documents relevant to the private debates of December 1921. Included in these are documents not circulated at that time but which have been found among the records of the Dáil and are considered a useful addition to this volume. These include a proposed agreement put forward by the British Prime Minister on 1 December 1921 (Appendix 9) and Michael Collins' minute of an interview with him on 5 December 1921 (Appendix 13). The text of the Treaty is included as fundamental to the whole debate (Appendix 15). This is followed by a letter from the British Prime Minister to Arthur Griffith of 13 December 1921 (Appendix 16) and by the alternative proposals put forward by President de Valera in the private sessions and by the final version of those same proposals which he later circulated (Appendices 17 and 18). They are all printed here as they appear in the records of the Dáil.

Since no roll of members exists for the private sittings a roll for the first meeting of the Second Dáil held on 16 August 1921 found among the records has been included for convenience of reference (Appendix 19).

In the Minutes of Proceedings for 18 to 25 August 1921 there are a number of instances where speakers are identified only by reference to the offices which they held. In each such case the name of the holder of the office is indicated by way of footnote on the first occasion on which he so appears. A new ministry was formed on 26 August 1921. The names of the members of that ministry are set out in Appendix 20 to assist in the identification of office holders referred to in the private sessions subsequent to 25 August 1921.

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# MIONTUAIRISCÍ NA nIMEACHTAÍ

18 Lúnasa 1921 go 14 Meán Fómhair 1921

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# MINUTES OF PROCEEDINGS

18 August 1921 to 14 September 1921

# DÁIL ÉIREANN

Private Session

Thursday, August 18th, 1921

The Dáil assembled at 11.40 a.m. in the Oak Room, Mansion House, Dublin.

SEÁN T. Ó CEALLAIGH, Leas-Cheann Comhairle,[1] in the absence of the Ceann Comhairle, took the Chair.

## ROLLA

AN RÚNAIDHE, D. Ó hÉIGEARTAIGH, called the roll and the following members were present:—[2]

AN CEANN COMHAIRLE[3] said the first business was to regulate the work and the hour they would adjourn for lunch and reassemble in the evening. The President has suggested that tomorrow would be a free day as there was a good deal of Committee work to be done.

SEÁN T. Ó CEALLAIGH proposed the Dáil would adjourn at 2 p.m. for lunch and reassemble at 4 p.m.—Agreed.

## TUARASGBHÁIL Ó'N AIRE UM GHNÓTHAÍ COIGCRÍCHE

### Discussion of Report

DEPUTY GAVAN DUFFY asked who were the individual persons who saw the correspondence sent by their political correspondents abroad.

THE PRESIDENT[4] replied that he saw most of it except what was of a routine nature. It went primarily through Mr. Brennan, the Under-Secretary for Foreign Affairs, to the staff in charge.

DEPUTY J. J. WALSH (Cork) in moving the adoption of the report congratulated the Minister in charge on the excellence of the report. He wished to draw attention to two matters, one on the advisability of a big propaganda in England by means of placards showing the atrocities committed here by English troops and the enormous expenditure the campaign was costing England. In the second matter he suggested a more active campaign against enemy property in America which he believed would expedite their liberation.

DEPUTY D. KENT (East Cork) in seconding the adoption of the report stated he altogether disagreed with Mr. Walsh's views of a more active campaign in America. Such action would, in his opinion, alienate all American sympathy from them. He maintained they should get all the sympathy possible from foreign countries.

DEPUTY A. MacCABE in supporting the motion asked if there was any further information about the Irish Race Conference than what was given in the report.

DEPUTY SEÁN MILROY asked who was to be in charge of Irish interests in America during Mr. Boland's absence. He would like to get an assurance that the person in charge would prevent any impression getting abroad that they were animated with hostility against America. Any action that would alienate American sympathy would be a great mistake.

1. Seán S. Ó Ceallaigh was elected Leas-Cheann Comhairle, 16 August, 1921 and resigned 26 August, 1921. Brian O'Higgins succeeded him in that office.
2. No roll was included with the minutes. The roll called at the public session of 16 August, 1921 is printed in Appendix 19.
3. Eoin Mac Neill held the office of Ceann Comhairle throughout the period covered in this volume.
4. Eamon de Valera.

DEPUTY LORCAN ROBBINS said he too was in disagreement with the views expressed by Deputy Walsh. America was England's biggest trading customer and he suggested our friends in America and all other anti-English sections should be educated up to an economic boycott of England. That would be a weapon of immense value to them.

DEPUTY SEÁN MacENTEE enquired as to who had the selection of the foreign envoys of the Republic. He thought in a matter of that kind there should be some Committee of Appointments to examine the records and credentials and qualifications of candidates for important posts.

PROFESSOR STOCKLEY pointed out that from recent correspondence he had seen from Germany the impression was growing there that after all England was her friend and that she would get more justice from England than from any other country. He suggested that they should support, if possible, the giving of information to Germany. English propaganda and power in Germany was very strong. He gave an instance of how an article on the Irish situation written in German at the request of the editor of a very important magazine in Germany would not be published when received by the editor for fear of offending England. He also related that quite recently Professor O'Rahilly of Cork University was asked to give some corrections of a German encyclopedia. He handed the offer to him (Professor Stockley) and he found that the encyclopedia gave a most distorted description of affairs in Ireland, picturing Sinn Féiners as a wild and rough lot whom no decent neighbouring people could put up with. Even the other day, he said, friends of his who were travelling in Germany found that the people there had no idea of the real true facts in regard to Ireland.

MRS. CLARKE strongly disagreed with Deputy Walsh's suggestions regarding action in America. She said American sympathy had meant more than meetings and money. It had resulted in the defeat of the League of Nations. If that League were carried through their position would have been a bad one.

DEPUTY M. P. COLLIVET suggested with regard to Germany that writers be encouraged to come here and write up Ireland for the information of their own country. Their favourable position in France was due to two sources, Irishmen who went to France and French writers who came to Ireland.

DEPUTY JOSEPH McGUINNESS asked had the President anything to add to Mr. H. Boland's report that would make it clear to them how they stood with regard to the American Government. If they knew exactly what were the possibilities of recognition of the Irish Republic in America it would have great bearing on the decision they would have to make on the peace question.

LIAM DE RÓISTE remarked that there was no reference in the report to Egypt or India. Did the Ministry discuss that question?

DEPUTY GAVAN DUFFY declared he had not a good word to say for the report. It was vague and misleading. It might have been justifiable as a propagandist report—that was a matter for the House, but he considered the members should have a little inside knowledge of the actual facts. Their great difficulty abroad was that their communication was as bad as bad could be. If an urgent communication was sent from a continental city to Dublin, the methods of transmission were so slow that they could not be certain of an answer within any specified time. It sometimes took from one to two months. That was a matter in which improvement was very urgent. England opposed their propaganda everywhere abroad with all her power. She had collared all the important Press agencies which were run in conjunction with Jews and Freemasons from London. In Norway she threatened economic reprisals if the Government there did not shut up the writer of a review who had published articles in favour of Sinn Féin. In Spain during the inquest on the late Lord Mayor MacCurtain the British Embassy issued an official statement to the press saying this man was murdered by the extremists of his own party who had also sworn to murder Lloyd George and the prominent members of the British Cabinet. In Italy also word was given officially to the Press that they were not to speak of Ireland. He said he mentioned these matters to show the Members that the state of affairs abroad

was not as rosy as pictured by the report.

He submitted very strongly that part of any terms they would come to with England should be that Ireland had separate representation abroad.

He alluded to his expulsion from France and protested against the sending of a friendly message by the President to France recently. He considered the French Government should first atone for the insult of having compelled their envoy to leave the country.

They could expect no help from France because on the one hand she was obsessed with the fear of Germany coming to attack her again in which case England, she thought, was the only country she could look to for assistance and on the other hand the country was in an acute stage of bankruptcy.

The position of their envoys abroad was a very difficult one as they alleged to represent a government which was not recognised by foreigners. Most of the people who mattered were afraid to be seen with them. There was also another objection; diplomatic work of that kind cost a lot of money and it was questionable if they got their money's worth. He thought it essential in future to concentrate on having press representatives rather than diplomatic envoys abroad who would supply the press and foreign writers with matter. Press work was the work that told.

Another matter he would like to mention, he said, in the case of certain Latin countries a woman who is serious and talks business is regarded as a disagreeable woman; therefore if a woman is head of affairs in any of these countries they could not get the best results for expenditure.

Everyone who had been abroad would tell them that what won publicity and sympathy abroad was the enormous interest created by the military events here at home. The deeds of daring done here had enormous effect on the Continent. People had said to him abroad that those at home were fighting a hopeless cause but they admired them, and later on when he met the same people their whole attitude was changed when they saw the things that were done here, and that was why in countries sympathetic to them it was recognised that the Irish Republic was on top.

DEPUTY J. J. WALSH said he had assumed the report was correct as to the position abroad. He anticipated that his proposal re America would be turned down as it was a bit wide. He was satisfied that they were not getting the full value of the force of their 20 millions of kith and kin in America.

DEPUTY DONAL O'CALLAGHAN pointed out that it was all a myth talking about 20 millions of their people in America. There never was more than half a million in the Irish movement in America.

DEPUTY LIAM MELLOWES said he was afraid many of the Teachtaí, like Deputy J. J. Walsh, were under a grave illusion regarding America. When considering this question they had to take into account the fact that they would only get from America value for what they were prepared to put into it themselves. They could not expect the Irish in America to be better than the Irish at home. It was only during the last eighteen months that they were getting in America the repercussion of the events of Easter Week. When they spoke of the Irish in America they had to consider two classes: (1) those who were American citizens and (2) those who were not. These latter were aliens and did not count a single iota except so far as they may be representative of this country. The first class were powerful only as American citizens and Deputy J. J. Walsh's suggestions were all sheer nonsense. It was nice to talk of 20 million Irish but it was not true. There might be 20 million descendants of Irish blood but they were Irish of such a kind that they did not recognise it themselves. As far as America was concerned, they had an Irish movement there to-day as the direct result of events in Ireland. They had in America to-day an Irish movement for the first time for a generation and as long as the fight was kept up at home so long would they get support from the U.S.A. They could not expect more from America than from their own people at home.

SEÁN T. Ó CEALLAIGH stated that as Deputy Gavan Duffy had given the Dáil such an excellent review of the position on the Continent he himself need not say very much.

It was his opinion that their position abroad to-day was vastly superior to what it was two and a half years ago when the

first representative went out. Then in France everyone was hostile to Ireland. Now things had changed and everyone was interested in Ireland and in all the papers they had special correspondents for Irish news. The whole basis of the movement was the work at home. It gave them something to talk and write about. However, it was not likely that France of her own volition would recognise the Irish Republic. That was absolutely out of the question. She was deep in debt to England and other countries and was seized with the fear that Germany would come back.

With regard to the other States in Europe, England was master of the political situation and all other countries had to act on her beck and call. Germany's policy was to divide France and England, and she was succeeding. He maintained in a recent report, that if America could be induced to say that she would, if other countries could be got to join her, give a kind of conditional consent to recognition of the Irish Republic, that perhaps France and Italy would recognise the Irish Republic if America took the lead. But they would not stand out on their own against England and recognise it. Italy was almost in a similar position to France and the people were sympathetic to Ireland.

All the smaller countries were with Ireland; they could not help financially, but their sympathy was very valuable. Yesterday Mr. Childers gave them a resumé of a number of foreign and continental papers and they saw the number which were hostile was very small. He believed none were hostile save one directly subsidised by the British government. The day before he left Paris the Chairman of the Turkish Foreign Affairs Commission called to see him and asked him to convey to President de Valera and the members of the new Dáil the cordial felicitations of his Parliament and he told him he was directed to convey this message to him. The representative of Poland also called and asked that he would convey a similar message here to this Parliament. From Egypt also the President had a telegram the other day. In India they had also the same story. They were copying Irish methods and utilising Irish propaganda for inspiring their own men.

The men who had been sent abroad had succeeded in changing the whole views of the continent of Europe on Ireland. Now there was not a country nor province nor people anywhere that were not deeply interested in Ireland. One instance of that was the extraordinary interest displayed in the noble sacrifice made by the late Lord Mayor MacSwiney. The French papers, even the most hostile of them, were full of it from day to day, and after his death the Irish Office was inundated with callers and pressmen. All were struck to the foundations of their hearts by the magnificence of the sacrifice. He knew, he said, the expense of all this work was great and he did not know whether it was all justified or not, but looking back on what had been accomplished he thought every penny they had spent had turned out well.

PROFESSOR STOCKLEY asked why Deputy S. T. Ó Ceallaigh thought the ruling classes in America were more likely to be more friendly in [*recte* to] Ireland than say French or other European governments.

SEÁN T. Ó CEALLAIGH said he believed the American government to-day was not friendly to Ireland. But there was a powerful movement in favour of Ireland which might yet be able to force the government there to do by fear what it would not do by choice.

THE PRESIDENT said as he had been in close touch with this department he would answer the questions. With respect to the complaint that the report was propagandist, he said the report was based on their representatives' reports from abroad. If there was anything misleading in it, it was their own fault. The actual fact was that no nation would recognise the Irish Republic until she wanted to go [to] war with England. The report was not meant to deceive anyone.

With regard to the appointment of envoys abroad they were, he said, nominated by the Minister in charge and ratified by the Cabinet.

The practice about the staffs engaged was that they were chosen by the heads of the departments. If they wanted to set up a Civil Service Commission to regulate employment of staffs it would be for the House to do.

They recognised their communications were very faulty but to overcome that properly would cost such an amount of money that they would have to curtail their essential work. They contemplated an actual service of couriers but the outlay

would be too heavy. They were going to meet the foreign representatives tomorrow and see what their exact needs are and how they could meet them. They had done everything they could to secure P. . . . O'B. . . .[1] services but they had not succeeded so far.

With regard to the world conference, the lady who organised Canada, Australia, and New Zealand was directed to come to Paris and set up an office there that would serve as a centre from which they could work this conference. In reference to America, he was glad to see the idea of the 20 millions hit on the head. He would like them to remember that the people of German blood in America went out as American citizens to fight against Germany and tomorrow if there was a war against Ireland those citizens of Irish blood would go out to fight against Ireland. When he went to America, the Friends of Irish Freedom had only a membership of 20,000. At present the new organisation had, they were told, half a million. The Irish were very influential in Irish centres like Boston in local or municipal politics but they had no influence in national politics. He believed if the most influential Catholic of Irish blood went forward for the Presidency in America he would not have the slightest chance of being chosen. If tomorrow any of the Deputies here went to America, became a citizen of it and had the same love for the old country as they had now and it so happened was elected President, he believed that man would refuse to recognise the Irish Republic. He himself would refuse to recognise it, if it could be imagined that he was elected President of the United States, because the American people would not back him and would turn him down at once if he dared to do it. Nations were more selfish than individuals and they could not expect more from another nation than they would do themselves. The League of Nations question enabled Ireland to be brought into international politics as the matter happened to be an American one as well as an Irish issue, and they got in. The Friends of Irish Freedom at the time told him if the League of Nations would mean the freedom of Ireland they would not have gone into it. I told them they had every right to talk as Americans but not to dictate to Ireland what she should do when it was an Irish matter. My attitude simply was that Ireland's foreign policy was to be directed by those at home and that if help was to be given to Ireland it was to be help that would be sanctioned here. He was trying to make it impossible for individuals in America to use the name of Ireland for any purpose but the one Ireland wanted. He stood for that principle and any differences he had with the people there were on that basis.

As far as France was concerned they had been told the position there. They could only get sympathy from her; but they had to use that sympathy and when people were sympathetic it was a good time to state your case. One of the chief functions of representatives of a foreign government is diplomacy, but as their government was not recognised their representatives' functions were to represent Ireland to those foreign people and hence they were only a part of the Publicity Department.

It was said they should have press representatives abroad. If Ireland had a paper like "The Times" they could afford to get that paper to send correspondents abroad. When the American representatives of the big papers were over in foreign countries they were acting as secret agents for their government. But the unfortunate thing here was that Ireland had no large papers or group of papers which could afford to send their foreign representatives abroad.

He pointed out that they had no control of the wires or cables. They had no resources that way. It was one of the features of the problems they had to solve and one of the chief difficulties under which they had to fight.

As far as getting recognition was concerned, they might put it out of their heads. When a nation wants to fight Britain she will be very glad to make Ireland's claim a moral issue but that was a very vague hope. He might say with regard to the message he sent to the President of France that they would do very little work in France if they stood by waiting for apologies.

DEPUTY ARTHUR GRIFFITH said he was in charge of Foreign Affairs Department at the time of Deputy Gavan Duffy's expulsion from France. At the time there were hopes of saving poor Terence MacSwiney's life by working up public opinion all over the world. Deputy Duffy

1. The shorthand notes do not give the full name.

as Irish Envoy in Paris addressed a letter of protest to the French President and published it. He considered Deputy Duffy was acting with the best intentions but he acted on a great error of judgment. No representative should have sent such a letter as he made it incumbent on the French President to recognise the Republic or expel the envoy. The fault was with Mr. Gavan Duffy. It was their envoy made the mistake and not the French government.

THE PRESIDENT said the suggested action in America would be wholly impossible and wrong. It would put public opinion against them. They should remember that those who were really in favour of Ireland would not amount to more than four or five millions. They could not judge the feeling of America from the crowd of 20,000 who might attend a special meeting in New York. What was that number in seven millions? If a person went into one of the big picture houses there and saw something of Irish interest on the screen he would find people in one part of the house who would clap and others elsewhere who would hiss.

The boycott of English goods was an example of how little could be done. It was only by appealing to the Irish as Irishmen and the anti-English section as Americans to help American industry to oust British manufactures that it could be worked up.

In America they could afford to do things they could not afford to do in other countries simply because there was a certain amount of sympathy on which they could count; but there were limits and narrow limits on which they could operate.

DEPUTY GAVAN DUFFY desired to say that was the first occasion on which any expression of opinion had come from the Cabinet as to the propriety or impropriety of his action.

DEPUTY DR. MacCARTAN said he did in America exactly what Deputy Gavan Duffy did in France and was not driven out.

THE PRESIDENT replied that they could do things in America they could not do in other countries. It was not necessary to refer to Deputy Duffy's action, nor would he refer to it now only the matter was brought up here. The thing was done and finished with. The Cabinet did not think it wise in the conduct of their foreign affairs to harp on the one thing they might regard as not tactful when all other things were done splendidly.

Adoption of the Report put and agreed.

## AIREACHT AIRGID: REPORT

THE MINISTER OF FINANCE[1] said he presumed all had read his report. On page 2 in the Estimate for the Department of Foreign Affairs there should be an addition of £1,000, and in Publicity there should be a deduction of £1,000. That was the £1,000 paid to the South African envoy charged to Publicity but afterwards changed to Foreign Affairs. There was a slight mistake in [the] tot[2] which increased balance by 10/-. He had with him all the details under all these headings and he suggested it would be better if members interested in any particular Department would ask him personally in writing any questions, otherwise they could spend all day on it.

Since he wrote the account a statement had come from America but the figures he gave were substantially correct. The amount they spent exceeded the Estimate by £2,000 and therefore the balance shown should be reduced by that amount. He took it that details of the various Departmental Estimates would be found in the reports. He considered most of these Estimates too large.

With regard to the last paragraph in his report "other payments of funds to the English government", he was contemplating under that heading the possibility of making recommendations to the Dáil for legislation on general lines under which there would be something in the nature of a D.O.R.A. and that all activities of the English government whether by way of collecting taxes, operating in Courts, or other functions of any kind would be dealt with under this Defence of the Realm Act by Orders in Council. This, of course, could not be done during the Truce.

The matter of Irish societies had become so important that he felt it necessary to

1. Michael Collins.
2. In the original typescript this reads, 'in tot of page . . .'. The shorthand note shows the entry as given above.

make a report to the Ministry on their general condition and he was not satisfied that any of these societies were in a solvent position. None of them were founded on a thoroughly sound basis. The tables of these societies were being gone into and he would be prepared to make recommendations later. He said the only possible proposition was amalgamation. It might mean a very heavy burden on national funds but it would be worth it if after a few years these societies were enabled to meet their liabilities. As the complete position could not be put before the members, he asked that the House should leave these activities to be continued by the Ministry and through the Ministry to the Department of Finance to continue its examinations and that with the authority of the Dáil.

There was also another matter in which the same position arose—the Sinn Féin Bank which was in an unstable position. The accounts showed that the liabilities exceeded the assets. The position was that many small investors had their life's savings in the Bank and it would have to be faced by the Ministry and the Dáil whether all these small investors should be allowed to bear the loss of the monies they put in. He had seen the Account himself and with the exception of a few they were all small amounts, from £70 to £150. With regard to Land Annuities, he recommended that the Department of Agriculture should deal with that matter.

As agreed, the Dáil here adjourned till 4 p.m.

## FINANCE DEPARTMENT REPORT: DEBATE RESUMED

House resumed at 4.15 p.m. and before resuming debate on Finance Report, the Secretary read Standing Order No. 75 re expenses for the benefit of the new Teachtaí.

DEPUTY SEÁN MacENTEE called the Speaker's attention to the non-observance of Standing Order No. 8 referring to the Rules of Debate. He asked that the names of the constituencies be circulated.

THE CEANN COMHAIRLE said he was afraid such a list was not available and until such time as it was he would not be too severe on the Teachtaí as to how they addressed their colleagues.

DEPUTY DAN McCARTHY proposed the adoption of the report.

DEPUTY JOSEPH McGUINNESS seconded.

DEPUTY SÉAMUS Ó DUIBHIR urged the Dáil to give the Ministry of Finance permission at once to appoint an official to look after the business of the Assurance Societies and the Sinn Féin Bank. All the monies invested were in jeopardy. There was no necessity for panic, but the situation should be dealt with at once and the proposition of the Finance Minister was a good one. He thought it would be time lost examining the Tables. These Tables were made out in England to suit English conditions which were far different to Irish conditions, a case proven by the fact that British companies were making fortunes while Irish companies were losing huge sums.

DEPUTY JOSEPH MacDONAGH pointed out that when the tables were made out to suit English conditions there was also in the mind of the people who were making them out the conditions on which these insurances were taken out. It was a well-known fact that the English person who insured was much less thrifty than the Irish person and the first thing to go was always the insurance premium; the result was they had a tremendous number of lapsed policies in England which went to make the societies self-supporting. The Irish people take insurance very seriously and the last thing that would go would be the policy. Therefore he considered the question of going into the Tables the most important of all. They must take things as they were and he hoped the Dáil would set up a Commission to enquire into the question of Irish insurance societies.

DEPUTY WILLIAM COSGRAVE said he did not find himself in agreement with the member for Rathmines. He thought the Tables were one of the main causes of the non-success of these insurance societies, the calculations for which were made, he thought, in 1780 and were based on the death rate of some town in England. They would see that in some of the encyclopedias. From experience they found the length of life in Ireland was not as long as in England. In Dublin the death rate was

very much higher than in any other town of the same size in England and they were operating under very hard circumstances because the best blood of the country was exported—a regular drain on the best and most valuable lives. Then, again, the big English companies who come over here had huge funds at their disposal. They had weathered the worst period of their existence and were in a position to swamp out any Irish society. Irish societies started at the very worst time when securities were at the very highest pitch and when the charges for income tax, etc., were also at the highest, and consequently the revenue would be lowest. They had every possible disadvantage that could be conceived. He understood the working expenses had reached 60% or 70% – 80% in some cases. How, he asked, was it reasonably possible for these societies to invest in order to be in a position to meet their liabilities. Any State insurance should guarantee either a return of the money or at least a return of the premiums paid in the case of people unable to continue. It was a wrong principle and morally indefensible that any society should benefit by policies lapsing.

The Australian societies were about the soundest. Societies there could invest free of income tax and that was an inducement to the people to become thrifty.

He believed the proposal would involve the State in some loss but it was due to the people to see that their money was soundly and safely invested for them. He considered insurance should be a State business. There was a good deal of money in the business if run economically by the State. At any rate it was a serious business for them that so many members of the Dáil were attracted to these boards. They had no previous experience to enable them to do justice to those who invested.

DEPUTY P. J. O'BYRNE said as far as he knew most of the public bodies in Ireland transferred their insurances from British to Irish insurance companies and if the statement of the Minister of Finance was known it would cause grave panic. They wanted to encourage Irish industry but they could not possibly take the risk of being at the loss if a fire occurred and the companies were insolvent. He certainly thought in the interest of public bodies in Ireland they should be told which were the unsound ones and to get an opportunity of reconsidering their position.

THE MINISTER FOR FINANCE replied in regard to the remarks of the Deputy for Tipperary that what attracted his attention to these societies was the fact that he saw one company advertising they had received insurances from public bodies and he communicated with the Ministry for Local Government. There was one company, as far as he was concerned, as sound as any company in England. That company was not concerned in any way with these societies.

With regard to the Sinn Féin Bank, the people who were hit were the same type. The man who had saved £70 in the past 10 or 15 years was the same as the man who was going to save £70 by insuring for the next ten years.

There was no comparison whatever between English societies and Irish societies. The former could do all sorts of other business, and did business on such a scale as operating overnight. The day's collection would be lent overnight and a considerable revenue derived from these sums they got in in one day.

His main desire was to save their own credit as a nation, to save the credit of the Dáil and to save their own people who were putting their small savings week by week into these societies. Anything done would be done with the full approval of the Ministry. When he wrote his report he was unaware of the particular situation of one society, and having knowledge of that now the matter was more pressing and he would recommend the Ministry to take action within the next week.

Another great difference between the English and Irish societies was that the English societies did not compete against one another. They left whole areas to each other by agreement, which meant the cost of collection was greatly reduced and when compared with the cost in Ireland was as low as one tenth of the cost in Ireland. It was that cost made all the difference between solvency and insolvency. Some of the Tables were all right but others were not sound, that was to say the Table at its termination could not show the necessary profit for the collection of the premium and the working of the society for the time it operated. The matter was very urgent and he would like there should be no public discussion over it as it would be disastrous to have it in public.

He did not want to single out any society, but he had been asked by some of

the public bodies whether a certain company was an Irish company and could be said to be solvent, and he answered that question in the affirmative.

Deputy Cosgrave had made one point of extra importance. It had been said to him that some of the societies invested in the capital of companies on whose shares there was a liability. That, he said, was not an investment but a loss and they might be called upon to meet that liability when they could not. No bank would advance a penny on security of that kind.

DEPUTY SÉAMUS ROBINSON thought that the amount shown for Defence, £39,000, was rather small and thought that a larger sum should have been given. He would like to get details. He also pointed out there was no estimate for the coming half-year.

THE MINISTER FOR FINANCE asked for written notice of that question. Items would be available on Monday morning. The reason no estimate was shown was that Defence was covered by the balance of a Vote available in America. It was explained at the last Dáil meeting. The position was that out of the Vote of 500,000 dollars, there was a balance left of 289,000 dollars which would cover all requirements for the coming half year.

THE PRESIDENT said that any sum of money they could profitably spend in Defence they were willing to spend it.

Ceist curtha agus aontuithe.

## AIREACHT COSANTA: REPORT

THE MINISTER OF DEFENCE[1] said he had nothing to add to his previous verbal report. He was ready to answer any questions if he got notice.

P. Ó MÁILLE proposed and FIONÁN Ó LOINSIGH seconded the adoption of the report.

Ceist curtha agus aontuithe.

## AIREACHT OIBREACHAIS: REPORT

DEPUTY JOSEPH McGUINNESS asked how this Department came to spend £5,357 which seemed very large in comparison with amount spent by Defence, Agriculture and Fisheries Departments.

DEPUTY LIAM DE RÓISTE referring to the paragraph re Relief of Distress said it would be well if the Minister gave some idea of the relation between the Labour Department and the White Cross Department. The report referred to a particular scheme in a particular district. If that scheme were worth taking up, to help industrial revival, as it was stated, it should be taken up in a proper manner. He put that to the Minister and asked that the department should, if possible, get in touch with the White Cross Committee. The reason he suggested that was that in some districts the work of the White Cross was not properly co-ordinated.

THE MINISTER FOR LABOUR, DEPUTY JOSEPH MACDONAGH[2], replied with regard to the expenditure of £5,357, that when the Belfast boycott was taken over on the 25th January last he asked the Dáil for a sum of £2,500 for a period of 13 weeks, and he explained then that it was necessary to appoint at least 12 organisers and set up offices in Dublin and at least 600 committees throughout the country. In addition it was found necessary to appoint two extra organisers for Dublin City and to pay secretaries in Derry, Belfast, Limerick and Cork. The result was that in salaries alone £140 per week was spent. They had to go into a very strenuous press campaign and put advertisements into the Dublin papers and into 20 or 30 of the leading provincial organs, the bill for which amounted to over £100 per week. A million circulars and 50,000 posters were got out. He asked £5,000 for a further six months and he was well inside that sum and he thought that the Labour Department had achieved what it had set out to do and that the money, in view of the success of the boycott, was very well spent.

With regard to the question put by the Teachta from Cork (L. de Róiste), he was a member of the Executive Committee of the White Cross but he had not been able to attend any of the meetings till the Truce started. At the first meeting he attended the question of relief of distress was discussed and Dr. Kennedy had the rough

1. Cathal Brugha.
2. Joseph MacDonagh was substitute Minister for Labour. Countess Markievicz was Minister for Labour.

draft of a scheme for giving employment to people in different parts of the country. The scheme was for the conservation of water power and Dr. Kennedy hoped it would mean this, an equivalent for coal at 6/- per ton. Dr. Kennedy had shown him enough to convince him there was something good in the scheme. He hoped to have it before the committee very soon. It was suggested the sum to be spent would be £60,000. That was no haphazard measure but a step in the right direction; it would give money to people for work instead of doles and would help to put industries on a proper basis.

DEPUTY JOHN O'MAHONY wished to know what instructions were given to organisers of the Belfast boycott when appointed. Some of them had exceeded their orders and traders were informed in some places that the embargo was placed on the whole Six Counties. He complained the paid Secretary in Limerick had not done his duty and that a certain institution in that city had repudiated the Decree of the Dáil. He had reliable information that a certain commercial firm there had got permission to sell Belfast goods while one he was interested in was refused leave to sell £100 worth of Belfast biscuits which they happened to have in stock before the declaration of the boycott, and had to give them for pig-feeding. If the Dáil Decree was to be carried out it should be respected.

DEPUTY SEÁN MacENTEE in proposing adoption of the report said he failed to see where Deputy O'Mahony had a grievance against the Labour Department. He presumed if a certain town refused to trade with another one which had the reputation of acting as a dump for Belfast goods and actively concerned in attempting to defeat the boycott, the Labour Department could not be blamed.

DEPUTY JOSEPH McBRIDE seconded the adoption of the report and said he was not happy about the boycott. He would be very sorry that the intolerance of Belfast should spread through the rest of Ireland. He was in favour of the boycott but he was afraid the banking industry of Belfast was not properly boycotted. The small deposits in local branches had not been withdrawn. He would impress upon the Minister of Labour to get his organisers to induce the farmers and those small depositors in the Belfast banks to withdraw their accounts.

DEPUTY M. P. COLLIVET considered the Deputy for Fermanagh (J. O'Mahony) was labouring under a misapprehension. The incident of the shutting out of Portadown goods occurred before the paid secretary was working. The people of Limerick decided to exclude the goods of all the Six Counties. He thought it would be a good thing to have it adopted generally. On very few occasions have the Dáil given a lead to the country in any of these things. The shutting out of Portadown goods in Limerick was done very successfully and he sympathised with Mr. O'Mahony to the extent that perhaps due notice was not given with regard to the Six Counties and individual manufacturers and agents who sent goods there chanced getting let down. He considered Limerick was perfectly justified in doing what it had done.

DEPUTY ARTHUR GRIFFITH explained when the Ministry here decided on the Belfast boycott they discussed the whole situation, the position of the Six Counties and whether it was wiser to cut off that portion of Ireland. Now, he said, it was the considered decision of the Ministry that the boycott should be confined to those areas that drove out the Nationalist population and that the areas where that was not taking place should not be touched. If the city of Limerick started on its own behalf to boycott the Six Counties, it was acting in defiance of the Dáil. It was no use for the Dáil to pass a Decree against Belfast if Limerick decreed a boycott against the Six Counties. Portadown was expressly excluded because the Portadown people got frightened and there was no pogrom or driving out of Catholics there and their action in confining the boycott to Belfast had kept two-thirds of the Six-County area free and open to the Nationalists and Catholic workmen. If Limerick was going to act against the Six Counties they were playing the game of Belfast. What they wanted to do was to make Belfast and two or three other towns be ostracised by their own people. The action of Limerick in extending the boycott was absolutely indefensible. He thought it was the duty of Mr. Collivet to go back to Limerick and tell the citizens

that what the Dáil ordered was what they should do.

DEPUTY M. P. COLLIVET explained that the Decree was carried out and in addition the citizens considered they were quite right in saying they were not going to buy any goods from the rest of the Six Counties also. Was the Dáil going to tell them they would have to buy goods from the Six Counties? The thing had been going on for six or seven months and the Dáil never pointed out it was wrong.

DEPUTY ARTHUR GRIFFITH said this was the first time he had heard of it. If it had come to his knowledge in time he would have told them they were acting just as much in defiance of the Dáil as if they refused to carry out the Decree at all.

THE MINISTER FOR LABOUR[1] said he specifically wrote to the Limerick committee telling them the only towns included in the boycott were Belfast, Lisburn, Dromore, Banbridge and Newtownards, and that anything outside that was outside the Dáil Decree. He was not so much concerned with the Six Counties as that he got instructions to carry out the Decree to the letter. With regard to Deputy O'Mahony's statement that a Limerick firm got leave to sell Belfast biscuits, he had it in black and white from Mr. Casey, the local secretary, that Deputy O'Mahony was misinformed. Limerick did more to prevent Belfast goods getting through than any other town. Woolworths had a series of conditions put upon them and have put up a fine of £50 to be forfeited the first time they were caught breaking any of these conditions.

With regard to the Belfast banks, they had done a great deal. In general, they issued notices not to have anything to do with the Belfast banks. In Limerick, out of 450 accounts in the Ulster Bank there were now only six and in a few days there would only be five. He did not agree that the banks were far more important than the commercial business. To destroy the distributing trade would be a very strong lever to bring Belfast to its knees. In the year 1919 Belfast got in about £23,000,000 worth of drapery and distributed 17 or 18 millions of it to the rest of Ireland. In the first half of 1920, it got only £5,000,000. The result was a great deal of unemployment in Belfast.

He referred yesterday to the number of bankruptcies which was the result of the boycott of the Belfast distributing trade. Mr. McBride's constituency was one of the worst in Ireland as far as the boycott was concerned. If the counties in the West of Ireland did only half or quarter as much as Limerick, Cork, Tipperary, Waterford or Clare, they would have gone much further with the boycott.

He tried to impress upon the Deputies why the boycott should be confined to the five towns decreed by showing that Belfast was the heart of the Six Counties and if they destroyed Belfast they would destroy the trade of the Six Counties. It was far better to aim at one objective than at five or six. It would be unfair to put on a boycott on people who had not been guilty of the crime for which this boycott was put upon the others. The rest of the Six Counties did not victimise the Catholics or drive them out of their business and therefore they were not subjected to the boycott. Referring to Portadown, he said it was not altogether spotless with regard to this boycott. There were a number of "dumps" for the five boycotted towns and if they could get proper inside information from Portadown they might find that a number of traders there were acting as distributors for Belfast firms. He had stated before there were four towns acting as "dumps" but he did not indicate they should be boycotted. He got no complaint from merchants in Portadown. In one case a letter stating a particular trader was not within the area was requested from him and he gave that letter.

He was not concerned with the politics of any traders, he was only concerned with carrying out the boycott in the five towns. Any boycott outside that area was done without his consent and he could not be responsible for anything done by people not under his control.

With regard to Deputy MacEntee's asking for the boycott area to be extended to the Six Counties, he thought it would be very unjust to do so. In the first place it would destroy the boycott, secondly it would be unjust and thirdly it would be a recognition on their part of the Partition Act.

DEPUTY D. KENT asked if it was the

1. This appears to be the substitute Minister for Labour, Joseph MacDonagh.

intention of the Ministry to put an embargo on importation of English cloth and leather-goods, but the Ceann Comhairle ruled the question out of order.

Ceist curtha agus aontuithe.

## AIREACHT UM GHNÓTHAÍ DÚITHCHE: REPORT.

THE MINISTER FOR HOME AFFAIRS[1] informed the Dáil that he intended to ask for £5,000 to pay Brigade police officers, as these men would be whole-time officials. The Relief Bureau had been established to co-ordinate the work of the White Cross and other relief societies. He asked the Deputies to forward any cases they had to this sub-department and every effort would be made to expedite the payment of relief.

With regard to emigration, they had got the shipping agents to sign an undertaking that they were observing the regulations issued. He regarded the returns for recent months very satisfactory. These returns had been largely advertised by the British government which must be with the object of enticing young people out of the country and to give the idea there was a rush of people from the country. The facts were the other way. The emigration from Ireland in June 1914 was 1,208; in July 1921 it was only 787. In June 1914 [sic] it was about the same. The figures the British reports quote for the last year are about half the average for the ten years before the war. That figure was 30,000 people and the figure for last year was 15,000, and that notwithstanding the fact that 150,000 to 160,000 were held up during the war unable to get away.

He said he would be bringing in a Decree at a later stage regarding enemy court officials and others. If it was not passed now it might not be possible to meet again for some time. Its enforcement could be held up till it was considered advisable.

DEPUTY P. J. O'BYRNE proposed the adoption of the report. He was very glad to see that the police duties would be carried out in future by whole-time officers. It was absolutely essential that these officers should devote their whole time to the work and it was necessary for the people to understand that the Decrees of the Republican Courts could and would be carried out. He said he was acting on the Prisoners' Dependents' Fund Committee and he would like to know if those depending on men on active service with the I.R.A. were entitled to receive relief, and to whom application should be addressed.

He thought it very essential that shipping agents should be impressed that they must carry out the Dáil regulations relating to emigration.

DEPUTY J. J. WALSH seconded adoption of report. In reference to emigration, he pointed out there was a big discrepancy between the figures the Minister for Home Affairs quoted and those the British government gave. He heard there was a large number of Irish slipping out of the country by subterranean channels.

He wished to remind the Minister for Home Affairs with reference to appointments in the new police force that a great number of the earlier police officers were now in jail and their claims should not be forgotten when a permanent arrangement was being made.

DEPUTY E. J. DUGGAN informed the Dáil that the enemy contended the holding of Republican Courts was a breach of the Truce. He considered it was not, and no agreement had been arrived at. He understood that the Minister for Home Affairs intended issuing an order to have the courts held as they were before the enemy activity became so strong as it had been for the past twelve months. In some cases where courts were to be held the enemy warned the parties concerned they would break the courts up by force if any attempt was made to hold them, and they were not held. Another point was, if decisions were given and could not be carried out it would be better the courts were not held. The enemy said they had no official knowledge of any force like the Republican police. If those police go to enforce a Decree by interference with person or property, they are liable to arrest by the enemy forces and trial as criminals. He asked if courts were summoned were they going to hold them in spite of the armed forces of the Crown? If the police are instructed to make a seizure, how are they going to do it? As far as he saw, if the courts were held in a public way the enemy would not back down from his position of opposition.

1. Austin Stack.

He understood an agreement might be come to. What the enemy complained of was that we wanted to do things now that we could not do during the war. That was, justices who were afraid to sit before were now anxious to sit publicly. The enemy objected strongly to that. He thought it was possible there might be an understanding that the courts could be held in private, as they were previous to the Truce, and do their work efficiently in such a way that the enemy police might pretend they did not know anything about them. Otherwise a very serious situation would arise and would undoubtedly lead to the breaking up of the Truce.

THE MINISTER OF DEFENCE disagreed with Deputy Duggan. He said there was a condition in the Truce terms to the effect that the British police and soldiers could not interfere with any Irishman during the Truce. If that guarantee had not been given there would have been no Truce.

THE PRESIDENT believed they could settle this matter very quickly. When the Truce was arranged there was an understanding that there would be no ostentatious demonstrations on either side. He thought the courts could go on as they did before, and in the same method, without being ostentatious. As regards the police, there would be a difficulty there, but he did not see the necessity of enforcing decrees overnight and they could be deferred for the time being. He felt strongly that the courts should go on, but should go on quietly, as before. This was a time for reorganising and doing work.

DEPUTY ALEX MACCABE said he did not see any difficulty in carrying on the courts. His principal objection to the courts was that they were too centralised. In times of stress the organisation was not able to meet the circumstances. It should be decentralised as much as possible, first because the District Court area was altogether too large to have in a court area. They found they could never summon a District Court during the war without attracting the attention of the enemy. They had to go back to the old system of getting Parish Courts together. They found the next appeal should be, not to the District Court, but to a court comprised of four or five parishes, and they found this worked very well and stood the stress of a very difficult period in their history. He had in his mind that there should be another appeal to something like a County Court from that as it was altogether impossible to have an appeal carried through to Dublin during the war.

Another objection he had was the handicap it would be on the poor people who wanted to appeal against local decisions to be forced to send the case to Dublin. He was not familiar with the judicature nature of this central body in Dublin but they found the second appeal was necessary to settle cases. There were a few people down with them who did not accept the decision of the superior court and who if there had been a County Court would have been satisfied. People who were well off secured in Dublin reversals of the local court decisions.

He objected decidedly to the control of the police force from Republican headquarters here in Dublin. He thought they should not have a second Dublin Castle working here but at once follow the procedure of other countries that had their own government and decentralise the police authority and hand it over to the county authorities to control these forces.

DEPUTY P. J. RUTTLEDGE said from his experience the court areas fixed by the Minister for Home Affairs so as to have a constituency area for each district was the most expeditious and best. The amended scheme by which one District Justice could act with two parishes covered any difficulty which might have arisen owing to enemy action.

With regard to the police, he thought it was inadvisable to pay them at present. His principal reason for making that suggestion was he could not see how these chiefs of police could be whole-time officers especially if the military activity was resumed. A good deal of stress might be laid on the fact that a chief of police was essential, but he took it, and he thought it was the experience of many Teachtaí that the working of a court depends on a good registrar. It was on him they had to rely solely for the carrying out of the courts and in parts where there was a good registrar the courts never cease to function.

He strongly favoured the promulgation of a Decree against the enemy courts. The fact that no such Decree had been made

up to this led people who were more or less favourably disposed towards the Republic to go into those courts.

DEPUTY JOSEPH McGRATH said he welcomed the proposal to appoint whole-time police officers to enforce Decrees, etc. He would like to mention a case in connection with the Increase of Rent Decree passed by the Dáil some time ago. A very big housing corporation in Dublin increased their rents according to the Decree and the present position was that less than half the tenants were paying the increased rents. The remainder, about five-eights, are paying no rent, have been taken to the enemy courts on two occasions and have been beaten, and he understood they were going to take it to the House of Lords now. He was concerned in so far as he was approached when the increase was made and he advised the people they should and must obey the Dáil Decree. It would have been a very popular thing to do to say "pay no rent". He was very glad to say all the tenants in his constituency obeyed but they were being constantly assaulted and blackguarded by the others who said no such Rent Decree was passed by the Dáil and that they had this from their own member. He suggested that the Dáil should insist upon each Deputy who is affected by this rent dispute going to his constituents and advising the people as to whether this was a Dáil Decree or not. The matter was becoming a regular scandal and he appealed to the Minister for Home Affairs to give every protection he could to the tenants who obeyed the Decree.

THE MINISTER FOR FINANCE agreed with Deputy Duggan re the holding of courts in public. Courts came out now because there was no danger. During the war there was no proper effort made to keep them going. There was no court held in South Cork for eight or nine months. It was no good their getting up against a situation now they had not faced long ago. The courts broke down for the reason that the machinery was not held together. There was not enough work done locally or at headquarters. He would like to know how many courts were held.

He protested against the payment of police chiefs. They were not necessary for the enforcement of Decrees. He objected also to the remark passed about the Prisoners' Dependents' Fund. There never was a case brought before the Prisoners' Dependents' Fund that was not seen to within two or three days.

DEPUTY D. KENT said he could bear out what the Minister of Finance said re courts. Their great difficulty was to get courts at all. He had to constitute a court himself to prevent people going into the enemy courts.

DEPUTY M. P. COLLIVET asked what machinery the Minister had for ascertaining whether the courts were functioning or not. Since he came out of prison he had received one or two complaints that the courts in Limerick were not working satisfactorily.

With regard to the Rent Decree, the people complained the increase was very big and came suddenly on them. In many cases there was an increase of 50 per cent. People did not understand why they should be asked to pay such increases. It was felt there was hardship, and arbitration courts outside the Republic were set up which settled a great many cases at a lower rate than the landlord would have got under the Decree.

DEPUTY P. J. O'BYRNE said he wished to make a personal explanation with reference to a statement made by the Minister of Finance that an attack had been made on the working of the Prisoners' Dependents' Fund. He certainly did not mean to do any such thing.

THE MINISTER OF FINANCE replied the reference was not to the Teachta for East Tipperary.

DEPUTY DONAL O'CALLAGHAN said he was aware of the splendid work done in Cork by the police but if it was intended to pay them how were they to be chosen, and who was to control them? He suggested they should be under local committees. The people in Cork were paying no rent to the Cork Corporation and he asked the Minister for Home Affairs if he had any remedy to suggest.

DEPUTY RICHARD MULCAHY explained that the general idea for civil administration involved the decentralisation of the working and the problem of the smaller localities in the country. There was not yet definitely formulated in their

minds what was to be the unit of civil administration in the country and they would not get out of a lot of petty little routine difficulties until they definitely defined what was their unit of area for civil administration. The army could not work harmoniously unless they had very clearly defined units. Now that the question of payment of police was raised this particular point was a very proper one for consideration. He thought they should regulate their courts and police to fit in with the unit for civil administration, so that the local councils would be a petty government for that area. This matter as far as decentralisation of powers was concerned was a matter of organisation and now that there was a necessity for re-organisation on different lines he thought that they should at once endeavour to define what would be this unit for local administration.

He thought the courts should go on, and to go on properly they should go on in an unobtrusive manner. Their police, he thought, should be able to control their areas without force just as the D.M.P. control traffic here. There was no reason why it should be difficult to carry out Decrees now no more than before the war.

With regard to the objection by the Minister of Finance to paying the police, at the present moment it was a question purely of finance. He thought it was absolutely necessary to have these special officers, and he thought the areas should be adjusted before appointments were made as the present military brigade area would not suit. He was in favour of payment of police. He believed they would always require to have the forces controlled from Dublin.

DEPUTY MICHAEL STAINES referring to Deputy McGrath's complaint about the Rent Decree said when that Decree was passed he thought everyone understood it would be the maximum amount the landlord could increase rents. Deputy McGrath advised his constituents to pay up to the full amount, and it was not fair for him to say people who offered to submit the matter to arbitration refused to submit to the Decree. After that there was a conference at which Deputy Cosgrave was present. He thought the matter was fixed up long ago. He did not agree the tenants should be blamed for any action they took and he was prepared to go and see them if the Dáil thought any good could be done.

DEPUTY FITZGERALD[1] said he thought the Court system an excellent one. He had twelve months' experience and if the courts did not work well in other districts the fault must have been with the people themselves. In his area they conducted courts right through the war. They had over 300 cases in all, and during the past six months they dealt with 60 cases. When the enemy pressure became great the constituency was slightly altered which enabled them to continue to do a good deal of work. He thought the present scheme of organisation an excellent one and the Minister should push it on to the utmost limit.

He asked was there any scale of fees laid down for solicitors practising in the District Courts. He had found solicitors charging the exorbitant fee of £20 for ordinary civil suits.

With regard to emigration, he said the present passport system had broken down. It was too clumsy and it took too long with the result that in many cases the applicants had gone to America before the passports had been issued. He submitted that the present system should be decentralised and local offices established in the country with the police in charge. There was going to be a great deal of unemployment around Cork Harbour. The type of workmen round there were wanted in Ireland. If they had a decentralised passport office and sent on adequate particulars of applications to the Minister for Home Affairs he might get in touch with the Minister for Trade and Commerce and try to devise some scheme whereby employment might be provided for these men.

THE MINISTER FOR LOCAL GOVERNMENT[2] DEPUTY COSGRAVE, said he was at the conference re Rent disputes referred to by Deputy Staines and Deputy McGrath. The tenants who were agitating and refusing to pay their rent were not the best of the tenants. The particular corporation in question had conferred untold benefit on Dublin. It had provided for 5,000 tenants. It was established in 1878 and consisted of very rich Dublin mer-

1. James Fitzgerald, a member for East Cork.
2. William T. Cosgrave.

chants. It most reluctantly accepted the assistance of the Dáil in the matter but were brought into it by a particularly able member of their staff. He went into the matter of those tenants who refused to pay and their whole case was that they would not assist capitalists. This corporation had saved Dublin £100,000 a year and then they were faced with this kind of thing. It had absolutely disgusted him with having anything to do with the Housing Acts. The corporation had been promised and assured of the assistance of the Black and Tans to eject the tenants and it refused it. Deputy McGrath's case was a very good one and he thought the protection asked for should be given to those tenants who really paid what was an honest rent. Dublin Corporation was losing £20,000 a year on housing 2,000 tenants and one of those tenants refused to pay 1/6d. a week rent and £4 10. 0. wages a week coming into the house.

THE PRESIDENT remarked that he did not like to see Cabinet Ministers showing divided counsels before the Dáil. The point was there had been a necessary clash between the civil and military sides of their work. That was only very natural; they could not expect as much butter from churned milk as out of the cream. Hence, it was the Minister for Home Affairs had a very difficult task; they could not expect from that Department as much efficiency as from the military. It was absolutely necessary for the civil administration to decentralise. The military side could operate from a centre because of their excellent communication system. It was a wonder to him how the Local Government Department had been able to do work. They deserved great credit for the way they had been able to hold the country together. Recently the member for Clare (B. O'Higgins) mentioned the matter of decentralisation to him. He (the President) could see no way to get efficiency in civil matters unless they decentralised. The natural unit for that would be the county council area. He would suggest the House would set up a committee of members acquainted with local affairs, together with representatives from the Home Affairs Department and the military side, to go into the matter and it would be the best day's work they could do for the organisation of the civil administration of the country. There were three possible units—the county council areas, the Sinn Féin area and the military brigade area. The Sinn Féin organisation had a certain claim to have this unit made the unit because they originally hoped that the Sinn Féin organisation would be the channel through which the civil administration would flow. Taking the three units into consideration he was inclined to think that as the representatives of the county council were chosen by the people in a regular manner, the unit of administration should be the county council unit. He thought it was a question for the Government largely to decide upon. He thought before they made their proposals the Ministry would like to have the opinions and advice of members from the cities, members of the House who were county councillors or members of corporations, and Ministers closely associated with the civil side of affairs and one or two from the army should be on the Committee which should be called together by the Minister for Home Affairs for Saturday morning instead of a sitting of the whole House. The whole of their civil administration would depend upon this scheme of decentralisation and he believed if they adopted such a scheme there would be no complaints about the working of the Home Affairs Department.

He could not understand the complaint about the increase of rent. The Dáil Decree was a maximum sum and there was no compulsion that anyone should pay any rent as far as he could see. If people who refused to pay rent were brought to court, he felt sure they would be dealt with.

The police, he thought, were necessary and particularly necessary in the interests of the army. It was not fair to have the army doing police work and they should not be asked to do it in future. They did not want a big police force but a small one under the control of the Minister for Home Affairs for seeing that orders of the Court were obeyed and Decrees carried out without calling in the Army.

When the Minister had replied he proposed the House would adjourn till Monday. Tomorrow they wanted to have a conference with their foreign representatives, and Saturday would be given to the Committee on Decentralisation to draw up a proposal to submit to the Dáil next week.

DEPUTY LIAM DE RÓISTE considered the question of decentralisation

should not be taken up in the manner suggested by the President but in connection with the drafting of an Irish Constitution.

THE MINISTER FOR HOME AFFAIRS said he was very glad to see discussion on his department. In the first place he wished to point out it was a gross mistake to speak of the District Court areas as the member for Sligo did. The area of the District Court was the constituency, and besides the District Court there was a court in every parish and sometimes parishes grouped. In addition to that, for some months past he had framed a District Court area by which one District Justice and two Parish Justices could carry on the work. Deputy MacCabe told the Dáil he could never get into communication with headquarters. He (the Minister for Home Affairs) had never been able to get any communication from Sligo. Deputy MacCabe spoke of corruption at appeals in Dublin. Well, he (the Minister) could dispose of that complaint very easily by informing the House that never yet was there an appeal from Sligo heard or listed for hearing in Dublin.

DEPUTY O'DONNELL (Sligo) interrupted to say that owing to his imprisonment and that of his colleague's also, they were not aware of the new scheme for courts.

THE MINISTER FOR HOME AFFAIRS continuing his reply said there was a suggestion that his department was responsible for the courts falling through in places. No doubt under ordinary circumstances he would be responsible, but several organisers he had sent out were arrested and he saw no good in sending out others in places where the courts were established but allowed to fall through by the local people.

The Rent Decree Act was brought in on a motion of his to meet urgent cases arising out of the operations of the English Government. In his draft Bill he provided for an increase of 10% plus increase in rates. The Bill was referred to committee who fixed amount of increase at 15% plus increase in the rates and 6% on certain improvements. That was a definite fixed sum and could not be altered at all unless by agreement amongst the parties concerned. If anyone came to court for an increase of rent, the court should give them that amount. The Deputy for Limerick City (M. P. Collivet) spoke of an increase of 50%. That was an exaggeration, as the increase was seldom, if ever, over 30%.

With regard to the rent dispute mentioned by the member for St. James' area (Deputy Joseph McGrath), the matter was out of his hands as the parties had refused to come into the Republican Courts and had gone into the enemy ones. But with regard to the question of protection for those tenants who were being abused, he assured the member for St. James they would receive all the protection his police force could afford them. All he was sorry for was that the landlords did not bring in a test case in the Republican Courts which, he was sure, would have disposed of the matter satisfactorily long since.

Regarding the Truce and the working of the courts, he was strongly of opinion they must carry on even without the sanction of Dublin Castle. They were no more bound to cease functioning than the British were, and it was the intention of his department to carry on with the courts and improve them as much as possible with the approval of the Dáil. Of course, he said, if the Dáil thought otherwise it would not be done. He did not think there would be many Decrees to be enforced, but he would prefer to hold over any case that would be likely to be tough. At the same time he did not want the hands of the police to be tied in any way. So with the understanding that they were not going to bring about complications if they could help it, he asked the Dáil for a free hand to carry on the courts as usual.

He had considered the question of payment of registrars over and over again—and he was afraid it would cost too much money at present, but any court that functioned properly could from its revenue easily pay its own registrar. It would cost £30,000 to pay the registrars from Dublin and he could not recommend that.

The registrars were the people on whom he had to depend for reports. Many of them neglected to supply him with proper reports and he took it as evidence the court was not working when he got no reports. One registrar came to him the other day and told him his court was working all the time though it sent up no reports.

In reply to the Lord Mayor of Cork (Deputy O'Callaghan), he stated that the

police officers were elected by the army and handed over to his department.

He admitted there was a grave scandal in some places regarding solicitors' fees. If cases were reported to him he would try and take some action against those solicitors who were charging exorbitant fees. Locally he would suggest that they should be prevented from entering their courts at all. If solicitors formed a ring and attempted to keep up an exorbitant scale amongst themselves, he would suggest and give instructions to the courts to hear pleaders who did not belong to the legal profession.

Referring to the Relief Bureau, he said that was a matter put into his hands by the Ministry. He did not desire to make any attack on the Irish Republican Prisoners' Dependents' Fund Committee. The Relief Bureau was included in his department by order of the Ministry and with the approval of the Dáil. He intended to carry it on and keep the people in touch with the White Cross, Prisoners' Dependents' Fund, and any other existing bodies dealing with relief funds.

There was the question of emigration permits. If the Regulation that application for a permit must be made a month before date of sailing was adhered to, there would be no fear that the permit would not reach an applicant in time. He saw no reason for establishing any other headquarters for issue of permits. The suggestion with regard to the enforcement of the Decree against emigration and shipping agents was one that had been anticipated. The new police had those matters in hands and it was through them future enquiries would have to be made.

That finished all the questions and he would like to add that at any time any member had a complaint to make he might communicate with him and he would be only too glad to deal with it and any fair criticism he was only too glad to hear it.

DEPUTY D. KENT asked if any fee was charged to solicitors or barristers for practising in Republican Courts or any licence issued to them. He understood they had to pay in the English courts and he thought they should be made pay in their courts.

THE MINISTER FOR HOME AFFAIRS replied that matter had never yet come up for consideration and he did not believe the stage had been reached in which they could exact licence duty or pass their own men.

Report was then adopted unanimously.

THE PRESIDENT, proposed:—

(*a*) That the Dáil adjourn till next Monday at 11 a.m.

(*b*) That a Ministerial Committee on Foreign Affairs would sit tomorrow.

(*c*) That on Saturday a Home Affairs Committee on Decentralisation would sit, to consist of Minister for Local Government, Minister for Home Affairs, Secretary for Sinn Féin, Chief of Staff, Teachtaí who were members of the corporations of Dublin, Cork and Limerick and members of county councils, and any other Deputy who was interested in the matter.

He said he was very anxious to have the discussion on the peace question taken first thing on Monday as it would be well to have the reply sent before the British House of Commons adjourned.

DEPUTY GAVAN DUFFY asked how long did he propose to give to the peace discussion.

THE PRESIDENT replied that was a matter for the Dáil.

DEPUTY J. J. WALSH asked if the President's ruling in regard to foreign appointments was definite.

THE PRESIDENT replied that the Dáil was supreme and anything the House wanted to insist upon it could do so. He thought those appointments should be ministerial appointments. If there be a policy for the Government, it must be able to select its own agents to carry it out. The House was supreme and if there was a motion to any other effect it could be discussed.

DEPUTY J. J. WALSH said he would put a motion down to that effect.

The President's motion was put and agreed to unanimously and the Dáil adjourned till Monday at 11 a.m.

# DÁIL ÉIREANN

Private Session

Monday, August 22nd, 1921

## DISCUSSION ON PEACE NEGOTIATIONS

The Dáil assembled for Private Session in the Oak Room, Mansion House, Dublin. The Ceann Comhairle took the Chair at 11.45 a.m.

AN tUACHTARÁN in opening said the first business of the day was to discuss the peace negotiations. He did not know to what extent it was necessary for him to go over the ground but he expected all the members had read the proposals of the British government to them and their replies. He need hardly say that long before that there had been informal negotiations. Messengers were sent over to sound them to see what their attitude was likely to be, but they gave those secret agents no encouragement with the result that the British government had formally to make the proposals now before them. They saw what the offer was. It was not Dominion status but a sort of Home Rule for a divided Ireland with more general powers than were offered in the best Home Rule proposals heretofore—but to this extent it was for a divided Ireland. The only attitude the Ministry could take was that this offer was not acceptable. The Ministry could not take the responsibility of recommending it to the Dáil or the Irish people and they told the British government so.

He did not propose to go further into explanation. The letters themselves would give the whole attitude. The Ministry took full responsibility for the replies and were ready to stand the fire of any of the members who had questions to put. They proposed to send a further reply to the last letter received practically in the same terms as the previous one—that the terms were not acceptable and that they did not form a basis for negotiation, and the only basis on which it could be hoped to secure peace would be a basis in which the guiding principle was that of "government by consent of the governed".

DEPUTY D. KENT asked was it on his own initiative General Smuts came into the negotiations.

AN tUACHTARÁN replied that Irish friends in South Africa influenced him to interest himself in the matter. Mr. L. George was also anxious for him to interfere. As far as immediate contact was concerned it would be best understood by the correspondence which took place. He asked friends of theirs in London if he could be of any help. He sent his private secretary, Mr. Lane, over here with a letter of introduction to me dated 29th June and this letter would explain his attitude. It was as follows:—

Savoy Hotel,
London, W.C.
29th June, 1921.

My dear Mr. de Valera,

I am sending my Private Secretary, E. F. C. Lane, to you with this letter, as I am desirous to get into touch with you direct, and apart from all intermediaries. I have taken great trouble in what has happened during the last fortnight to secure that a real attempt should now be made to come to a settlement of the Irish problem.

I have sent you some messages through intermediaries to the effect that I am prepared to meet you either in London or Dublin, and either alone or with some of your friends, in order to facilitate matters. I do not know whether these messages have reached you in the spirit in which I have sent them. Hence this attempt to come into direct contact with you. My sole and

single desire is to be helpful in the solution of this age-long trouble.

I do not represent the British Government, and do not speak for them, although they know how greatly I desire that a settlement should be come to. All the influence I can command has been and will be used to that end.

And what I wish to say to you specially is this, I have been through the same trouble in my own country. The best years of my life were spent in the same struggle through which you have been passing. I feel certain my experience can be of some use to you, and this letter is simply to tell you, as from man to man, that I am ready to meet you and talk things over with you at any place or any time, if you think such a course will be of any assistance to you.

You can send me a message either in writing or by word of mouth through Mr. Lane.

Ever yours sincerely,
J. C. SMUTS

He (An tUachtarán) replied to that letter as follows:—

30th June, 1921.

My dear General Smuts:—

I have your letter of June 29th which was delivered by Mr. Lane, and hasten to assure you that I greatly appreciate the reason that prompted you to write to me, and to say that I shall be very glad indeed to meet you.

We meet on a common platform in that we both are anxious in the cause of humanity to settle finally and forever an issue that has embittered relations between the peoples of the two islands and caused infinite distress to the Irish people.

I shall be glad to see you in Dublin at any time suitable to yourself, and to introduce you to my colleagues.

Believe me,
Very sincerely yours,
(Signed) ÉAMON DE VALERA

That indicated the first formal approach, which was made by General Smuts himself. It was a similar case as the contact with the North of Ireland. Birkenhead suggested that they asked that the communication be kept quiet, but that was not true. If the British wanted to save their faces that way as long as he (An tUachtarán) lost nothing by it he would let them do so.

DEPUTY P. Ó MÁILLE asked what was General Smuts' attitude.

AN tUACHTARÁN explained that General Smuts was able to realise the sentiments of the Irish people better than the English government and felt at home in the Irish question but he approached it purely as a thinking machine. It was the head that played all the time without any heart. His attitude was simply that of a British imperial statesman who had taken a certain action himself in his own country and thought a similar line of action would be the best for the Irish people. How far he left himself be led away by imperial necessities is a question one could only guess. He approached the matter, while talking it over with them in Dublin, as a professor would approach a problem. Of course the principle data, the feelings and sentiments of the Irish people, he was neglecting. He approached it fairly when they took into account his position. He could not advocate a Republic simply because he had not done so in South Africa. His last covering letter was written from the point of view that he, the President, required some ammunition to use with his own colleagues. He wrote that letter expecting he would use it. When Lloyd George discovered at the end that he did not intend to use it, he thought he would use it himself, and the best thing possible that could have happened to that letter happened. He was throwing in his reserves at the beginning of the battle. The letter did no harm. Smuts' letter could be taken as sympathetic as any other letter they could get from any statesman inside the British Empire.

The big question was policy. They should remember they were now really deciding issues of war or peace. The best thing he said he could do was to answer any questions they had in their minds.

DEPUTY J. J. WALSH asked An tUachtarán for a full and clear definition of his policy with regard to Ulster.

AN tUACHTARÁN explained it was difficult to have a policy for Ulster

when they could not get in contact. Their present aim was to get in touch with them. They had not the power, and some of them had not the inclination, to use force with Ulster. He did not think that policy would be successful. They would be making the same mistake with that section as England had made with Ireland. He would not be responsible for such a policy. Ulster's present position was that she claimed the Six Counties as a constitutional right given to her constitutionally through the Realm and did not want to be under the domination of the rest of Ireland whose sentiments, ideals and religion were different. They said they would not give away their established rights and that they were prepared to die for them. The question was how they were to deal with Ulster—peace or war conditions. At the present the Ministry proposed to act as they had done before under war conditions. He could not definitely say further than that their object at present was to get in contact to see what exactly Ulster wanted. The moment contact was established they were up against a big difficulty. Ulster would say she was as devotedly attached to the Empire as they were to their independence and that she would fight for one as much as they would do for the other. In case of coercion she would get sympathy and help from her friends all over the world.

DEPUTY J. J. WALSH asked if they understood that under no circumstances were they prepared to give any sanction to dual nationality in this country.

AN TUACHTARÁN replied as far as dual nationality was concerned, they never recognised it, but that fact would not prevent the British government from establishing it. For his part, if the Republic were recognised, he would be in favour of giving each county power to vote itself out of the Republic if it so wished. Otherwise they would be compelled to use force.

DEPUTY J. J. WALSH said he disagreed with that policy and he would move a motion later on.

DEPUTY WHELEHAN stated that a statement was made the other day to the effect that the Ministry were willing to go to limits to meet the wishes of Ulster. He asked, in the event of war being renewed, should not the Ulster cabinet be regarded as traitors in league with the enemy.

DEPUTY O'DUFFY stated that he did not agree with the statement made that Ulster wished to be left alone; England said so, but as far as they in Ulster were concerned they thought force should be used against Ulster. There were sufficient Volunteers in Belfast to hold it for Ireland. The Ulster people had very little force themselves if unaided by British armed forces. So far as Ulster was concerned they could not meet them by concession. He had dealt with them by force in Monaghan, Fermanagh and Tyrone, and those people were now silent. There was no Ulster question so far as Ulster was concerned. They realised they could not exist without the rest of Ireland.

DEPUTY SEÁN MILROY pointed out that they had got away from the real business. He thought it would be helpful to the deliberations if the full terms of the reply which the Ministry proposed to send were submitted to them. The question for them to settle was did the reply suggested by the President meet the requirements of the situation. If it did all they had to do was to give it approval. The two things they would have to safeguard were Ireland's national honour and national interests, and judging by the way the Ministry had handled the negotiations up to the present they could rely on it that nothing that would jeopardise the national honour and interests of the country would be done. For that reason he would like to move, if necessary, that the Dáil approve wholeheartedly of the reply. The country had arrived at what might be called the greater climax of the last eight centuries. The issue was whether the British conquest was to be completed or whether the national struggle was to triumph and in such a grave situation as that the one great need was the essential unity of this assembly because if they did not hang together now they would hang separately the moment hostilities were resumed. If they got unity of opinion he thought they would have an unassailable position. The British government wanted peace and they wanted peace. The British government can have peace if they were prepared to pay high enough, but the Dáil would never agree to a peace the price of which would

be national dishonour or a betrayal of the great heritage of centuries.

MISS MACSWINEY asked if the answer proposed to be sent to Lloyd George was to be discussed here to-day.

PRESIDENT replied that he was anxious that the correspondence up to this date should be first discussed. He explained he wanted to be able to put in the first paragraph of the reply that the Dáil unanimously approved of the attitude adopted by the Ministry. In other words that they could not accept those terms. It was a question of tactics that only the Ministry were involved in these replies, except so far as ratification was concerned. It was therefore advisable that nothing was sanctioned by the Dáil until it saw the light. The Dáil could always turn out the Ministry if not satisfied with the result and it was safer the reply should come from the Ministry only. It was also intended to incorporate a phrase in the reply that the Ministry were empowered to negotiate peace with Great Britain on the basis of "government by consent of the governed". That was a phrase that would allow the Ulster question to come in and be debated. His attitude would be that the minority in Ulster had a right to have their sentiments considered to the utmost limit. He believed the minority in this country were devotedly attached to certain connections and it was their duty so far as they could to go the utmost limit without sacrificing the interests of the majority. He would like to have a statement as regarded the correspondence up to the moment and to find out from the Dáil if he could state in the opening paragraph of his reply to Lloyd George that the peace proposals had been before the Dáil and that the judgment was that the Dáil could not accept the terms offered.

DEPUTY McGOLDRICK pointed out that the powers given to the Six Counties under the Partition Act were much less than those offered now to the rest of Ireland. He wanted to know would the balance of those powers for the Six Counties be vested and remain under the control of an united Ireland.

PRESIDENT said he was sure they would not. He probed their minds and he was of the opinion they would be faced with two Dominions—North and South Ireland. They would have two Irish representatives, a plus Ireland and a minus Ireland. Ireland's vote in a Dominion status would be a negative value.

M. P. COLLIVET stated what he was anxious about was if the negotiations went a step farther he would like to be satisfied the Ministry would stick to the two cardinal points "unity of Ireland" and "government by free consent" and he certainly would not like the Ministry to allow in any negotiations any plebiscite or referendum in which that free consent was not offered. The people should be offered a Republic or something else. They should not be offered Dominion status versus the Black & Tans. That would not be "free consent".

They should insist on a single authority of a single State in Ireland. If there was to be any separate government for Ulster it should be as a government holding equal powers as one, say for Munster or Leinster or Connaught but all holding authority under a single power for the whole of Ireland.

L. DE RÓISTE considered a direction was necessary from the President as to the line the discussion should take. He thought it was absolutely necessary at this stage to confine themselves to approving or otherwise of what had been done up to the present. He had no doubt the Dáil would give approval, but he was doubtful that the country would unanimously approve, or approve to the same extent as the Dáil, of the replies sent and the negotiations which had taken place. For that reason he would ask the President for a direction now. If they were to have the terms of the proposed reply to-morrow they could then discuss the further reply.

PRESIDENT declared the Ministry was ready to stand by what had been done. He considered that matter should be taken up first. As far as what they were going to do was concerned, he was simply asking the Dáil whether he could, in writing to the British Premier, say the Dáil had unanimously approved of the attitude of the Ministry. Now was the time for criticism. The Ministry were ready to account for their stewardship and were anxious to know what the thoughts of the Dáil and the people were.

P. J. WARD asked what Lloyd George meant by "free association with British Commonwealth group".

PRESIDENT said the point about it was that they could not turn down what appeared to be on the face of it an invitation to join a group of free nations provided it was based on the principles enunciated by President Wilson.

S. T. O'KELLY proposed the Dáil would approve of the terms of the replies and the speeches of the President as head of the Ministry. He was not in touch with the country and did not know its feelings, but personally he gave his heartiest approval to the negotiations as they had been carried on up to the present. In the letter addressed to the Prime Minister on the 10th August in the 3rd paragraph it was set out—"Ireland's right to choose for herself the path she shall take to realise her own destiny must be accepted as indefeasible". Basing themselves on that proposition the Ministry were not likely to misrepresent the views of this assembly. Without going further into the replies he would, he said, propose formally that this Dáil should give its approval to the terms of the replies sent so far by the President on behalf of the Ministry and also to the negotiations in general so far as they had gone.

He then handed to the Speaker the following written motion:—

"Cuirim mar rún go bhfuil an Dáil sásta leis an bhfreagra do thug an Príomh-Aire ar Riaghaltas na Breataine Móire."

DEPUTY J. J. WALSH seconded the motion. They had every confidence in An Uachtarán and his colleagues and he would like it to be understood that as far as he knew the Deputies were determined there should be no division of that necessary unity which was essential to the salvation of the country. He reserved the right to criticise every point that came up and at the same time he would be more insistent than anyone else that come what might there should be no such thing as cliques or parties or divisions amongst them until such time as they had won peace. He would like to emphasise that fact. He thought that the Ministry had done their work admirably; they had a very difficult problem to deal with; like the rest of the Dáil they had no great experience and they were up against men who had deceived the world. It was therefore natural the Ministry should expect the support of the Dáil but he did not agree with the suggestion that the Cabinet should be allowed to adopt a policy in advance and then if the Dáil would not accept that policy the Cabinet could resign. He did not want any threats of resignation when the Dáil criticised the Ministry's policy.

AN TUACHTARÁN explained he merely stated that all Cabinets had to take responsibility for their policy.

DEPUTY J. J. WALSH said it would be better to take the members into their confidence in advance and then the necessity for resignations would never arise.

MR. MILROY stated that the prisoners in Ballykinlar Camp were of a unanimous mind that the Ministry had managed the negotiations in a splendid manner.

DEPUTY A. MACCABE stated as far as he was concerned the conduct of the negotiations and the replies sent to Lloyd George met with the approval of the whole country. With regard to the Smuts letter, from his experience round the country he considered the people required some education on the question of Dominion rule and what Dominion status meant and how it would affect a country neighbouring on England in comparison to one thousands of miles away. The analogy which Smuts made use of was altogether illogical. In dealing with South Africa Lloyd George was dealing with a black country, where the blacks outnumber the whites by five to one. It was a new country not a nation at all, where the Dutch and the British had equal rights and Smuts was acting merely with expediency as he wanted the Dutch to rule the country. He would advise the "Bulletin" to see that these issues were more clearly stated and that the provincial papers were supplied with some propaganda to that effect.

As far as anticipating further negotiations he wished to say with regard to the President's statement about giving self-determination to the Ulster counties he would not exchange Irish unity for an Irish Republic for portion of Ireland.

DEPUTY P. BRENNAN (Clare) proposed a vote should be taken at once on the proposition before the Dáil.

DEPUTY GAVAN DUFFY thought it was premature to discuss what concessions they could make. It would be wiser to consider the proposal before the Dáil as to whether what had been done had the approval of the House. The Ministry had shown very great statesmanship in difficult circumstances and it was very difficult for them to discuss questions of tactics with a war Ministry when they knew very well there were private facts the Ministry could not disclose at this stage. He thought it was due to the Ministry to thank them for having brought down the discussion to the Dáil at all. No other government did so in such circumstances.

He would like to suggest to the Ministry that this might be an opportune time to make another approach to the North-East before sending the reply to the British government. The Ministry might have already considered the matter but it seemed to him the President was most anxious to put the blame on N.E. Ulster. That would be an admirable policy if it succeeded, but at present they were emphasising the fact that there was a difference between N.E. Ulster and the rest of Ireland. He thought it was very necessary that the emphasis should be laid, not on the difference between them but on Ulster's obstinacy. He further suggested that a declaration or statement should issue at the psychological moment laying the emphasis on this obstinacy when they would focus universal attention on Belfast with the dual result first of emphasising still more that the real difficulty was with these people and secondly of putting them in the wrong opinion outside. It would be easier for the Ministry afterwards to take a better stand against the British government than they could if they left the position in the state of uncertainty it was at present. He quite admitted they were bound to get an answer from Sir J. Craig pinning them down beforehand, but it was a matter for the Ministry to decide whether the advantage outweighed the disadvantage.

PRESIDENT said as a matter of fact, before the last reply was sent to Lloyd George, they had an invitation to Craig ready but at the last moment they decided that it was better not to send it. They were going on the ground that the fight was between Ireland and Britain. If they could advance to a stage in the case in which the phrase "government by the consent of the governed" was accepted, that phrase would be applicable to Ulster and they could follow it up by an invitation to Ulster saying they were ready to meet her on the basis of that principle. That would be a basis which certainly would commend itself to the world at large. The word that summed it up was self-recognition. The Dáil recognised itself as the legitimate authority for the whole of Ireland while N.E. Ulster on the other hand recognised themselves as having a definite status. If either side asked that self-recognition should be given away as a condition to negotiation they could get no further. It was only on the basis of giving away nothing when they came together that they should have negotiations. He assured the member for Dublin that the question of inviting Ulster had been in their minds and if they got a suitable time they would make use of it.

P. HUGHES wished to support the remarks made by Mr. G. Duffy. As far as his constituency was concerned all the people were very well pleased with the manner in which the Ministry acted. The only thing said to him was they hoped that the door would not be slammed and he was glad to see that the door was not to be slammed and that these negotiations were to proceed further.

PRESIDENT remarked there did not seem to be much desire on the part of the members to speak. Everybody should realise that they were dealing with an issue of peace or war and that up to this they had only been sparring for position. They had not come into contact yet but they were going to get a definite ultimatum very soon. They knew the British wanted to go to America. Now their Ministry was going to be put into the most difficult position a Ministry was ever in. They were going, and they would have to, if they wanted a Republic, challenge the might of the British Empire. It was done before but up to the present the position was this: the British adopted the attitude of trying to coerce a certain crowd of the people to obey the law. Their military operations did not partake of a definite war but rather the nature of military operations in support of the civil police. That was why they (the Irish) had

great difficulty in getting the world to realise that they were at war with Britain.

We had a message from America saying that Americans were Republicans because their fearless leaders refused to negotiate with England. Those analogies in the past did not apply. He felt inclined to reply their fearless leaders were 3,000 miles away and that one of their fearless leaders himself had stated if Ireland was 500 miles away Ireland would have no fight because there would be no question of fighting. Ireland, a nation of 4½ millions, was challenging a neighbour of 50 millions with all the resources of a great Empire. They were going to challenge her now under conditions which had the sympathy of the world. Some thought the letter of Lloyd George a surrender; it was nothing of the kind but a deadly thrust at this nation. He had to change his method of warfare. Up to this his method was not successful and he wanted to get the support of the world for the methods he wanted to pursue by putting Ireland in the wrong.

It was ridiculous of course to say that because Ireland was near Britain she should give Britain safeguards. But America demanded such strategic safeguards from the small island of Cuba and those people in America who talk in our favour were the people who would not allow an independent Cuba beside them. England would go on the claim that she had a right to protect her own shores and by Ireland resisting that she would tell the world they were resisting something reasonable. She would also go on the claim that one third of the Irish people had a desire for connection with the British Crown. She would go before the world and say those Sinn Féiners do not stand for the principle of liberty, and they would smash the sentiments of the minority, if she was gone. Lloyd George would work them on the question of nations. He would show Britain was a compact piece. Look at America, where are the natives? Wiped off the face of the earth. In the process of time nations had been built up in Europe. That process was a natural one they would say. Those people had been put into N.E. Ulster and those Sinn Féiners want to stamp upon these people and deprive them of their rights. These arguments he was putting before them were rather fallacious, but the fallacy was not recognised by those to whom they would be addressed. Hence he would like them to realise if they were determined that they would only make peace on the basis of the recognition of the Republic, they were going to face war and therefore he wanted to know if the Ministry came to the Dáil with a proposal that meant war would the Dáil be ready to take war.

In deciding that they should ask themselves what resources they had, were they ready to die as a nation for that principle. The next time they were going to be put to the test. There was a time when men got out of prison because they were ready to die, but that was past. If they were going to declare now for war they must be ready to die as a nation in the fight as individuals had been ready who were put to the final test in prison. They would have to consider would they be better after the fight than when it began. He, as head of the Ministry, would say that sizing things up as best they could they would do that which they thought best for the country and they would come here before the Dáil with the definite propositions. It would be difficult to shift the British from the position they had taken up now. The first shift would be if they could settle the Ulster question. One Deputy had said he would prefer the unity of Ireland to an Irish Republic.

A. MACCABE explained that his view was that they could never bring N.E. Ulster into an Irish Republic whilst the British Empire was what it was and his attitude was that at all costs they should dig themselves in somewhere in Ireland, even in the islands of Aran, as an Irish Republic.

PRESIDENT continued and said people could differ on each of these views. The building up of Irish unity was a slow process. They were trying to stop disintegration. Now was the time that that disintegration was beginning. As he had said there were considerations of that sort which would have to be taken into account by the Ministry. What they wanted was to get the feeling of the people and to get all the assistance possible so as to try and secure for the nation what is best for the nation at the moment.

The new war if it comes would be on a different basis to the one past. It would be taken as a definite attempt at reconquest. There was not a government in the world

that would not do something to prevent the falling away of portion of its territory. The governments of the world would realise that and would be very slow to step in. He did not believe he was too pessimistic when he said that England would be given as free a hand to deal with Ireland at the present time as she was given to deal with the Boers in the South African War. Unfortunately they were very far away from living in a world where moral forces counted. But the practical question is at the moment brute force and they should realise that the moment England thought she was in danger of losing Ireland, a thing she considered particularly precious to her, she would face the world's odium to crush Ireland to the earth.

In the Southern States of America there were many who still held on to the cause of the South and they well remembered Sherman's march. But there was no use facing war again unless they in Ireland were prepared for a Sherman's march. They should not come to a decision without realising what the position was.

LIAM DE RÓISTE said the remarks just made by the President would prove very clearly that the opinion of the country would not approve unanimously of the action taken is not quite correct. If the President's statement was put before the country he felt perfectly certain they would not have a majority in the country. He was in thorough agreement with the proposition made and they could not take any other stand except that of the Ministry—rejection of the terms. But they should surely admit that every person in the country was vitally concerned in the issue of peace or war and if it was the considered opinion of the Ministry that the British would not give them better terms he did think they should have to put the issue to the country, at all events before they acted, so as to make known the situation as the President had outlined—namely a Sherman's march through the country, because while they as individuals did not qualm about that, there were persons, in fact the majority of the country, who would not be willing to face it. Therefore he put the view before the Ministry if it was known that the British were not going to give any better terms that the Ministry should consider that they should put those terms to the country before the war was renewed. They as a Dáil were ready to face the war on what they had pledged themselves to, but it was right they should consult the people. They spoke for a majority but they spoke only for a majority on certain conditions—Black & Tanism versus the old Partition Act.

JOS. McBRIDE said he was in favour of the position adopted by the Ministry. He knew they as individuals would have to sink their ideals for the benefit of the country. His principles were well known and were unchanged but he would have very much confidence in supporting any action approved of by the Ministry as he believed it would be for the public good.

PRESIDENT said he would like to say to the member for Cork City (Liam de Róiste) that they would be saved from putting the matter to the public as Lloyd George would do it.

M. P. COLLIVET rose to protest against the proposition of the member for Cork City (Liam de Róiste).

L. DE RÓISTE pointed out he suggested the Ministry should consider the matter. He did not approve or disapprove of it.

M. P. COLLIVET objected to the suggestion. If anything was put before the people it should be free self determination. He thought everybody was prepared to go for war. The only point was a nation might have to give way without surrendering its nationality; it might have to admit itself beaten whilst yet retaining its right as a separate nation. They might have to do the same but the country would not agree to any terms to give away its nationhood even if it meant a Sherman's march.

MISS MacSWINEY said the issue before the country at the last election was not Black & Tanism; the issue was an Irish Republic and they were put in to uphold the Irish Republic. It was a very serious matter and she did not think it ought go to the country. The President has said that Lloyd George will put the terms to the country at the time and in the way it suits him. Cabinets did not put a vote to the country about a war. If they did there would have been no European War. It seemed to her that the great difficulty was in the wording of the reply to Lloyd

George. If it could be done in such a way that they could continue negotiations without giving up allegiance to the Republic, she would say it would be a great credit to the Ministry. All over the world it was a marvel that the President and the Ministry had managed as they did to get the better of the "master-mind" of Europe.

The essential difficulty was raised on the first clause of Lloyd George's last letter—that of allegiance to the King of England. Other matters were only minor ones.

SEÁN MACENTEE complained the debate was taking an unsatisfactory course. He asked the Speaker to put the motion before the House that it approved of what had already been done by the Ministry, and he would then ask the President to lay before them the draft terms of the reply he proposed to send to Lloyd George.

SPEAKER pointed out he had avoided trying to limit the discussion on account of the altogether grave and exceptional character of their proceedings here to-day, because there was only before them the general matter of negotiations and no particular or detailed order for the day.

Ceist curtha agus aontuithe.

PRESIDENT told the House that he proposed to read for them to-morrow the draft reply they intended sending to the British Premier. He then proposed the Dáil would adjourn till 4 p.m.—when they could continue the discussion of the reports.

SEÁN MILROY seconded. Agreed.

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Dáil re-assembled at 4.15 p.m.

MINISTER FOR LOCAL GOVERNMENT moved formally the adoption of his report.

P. Ó MÁILLE seconded.

D. O'CALLAGHAN (Cork) supported the motion and said the Department did very good work in difficult times.

ALD. CORISH moved that the report be varied in so far as it dealt with the £100,000 loan to enable Wexford Corporation to get £2,000 for a building scheme. Over 70 per cent. of the population of Wexford were dependent on the one industry which was shut down at the moment and the Corporation were trying to get a housing scheme through which would give employment to a large number. Something would have to be done. The Minister for Local Government had sent down an inspector to go into the matter and he could tell the House when he spoke that the situation was very critical. The reason he was asking for this £2,000 was to show the rate-payers they had the Dáil behind them.

SPEAKER said he did not think a motion of this kind would be raised at this stage.

MIN. FOR LOCAL GOVERNMENT said the motion might come up more suitably on the vote for the departmental estimates. His inspector reported there was little opportunity of further employment in the foundries in Wexford. The Corporation had a scheme for the erection of concrete houses at £450 each. It was not mandatory on them to get rid of this £100,000 and they had taken great caution to distribute it slowly and with great hesitancy. £10,000 had already been advanced to bodies in serious difficulties and which required absolutely this assistance to enable them to continue administration. The late Dáil granted that £100,000 with a general stipulation that it be repaid by December next. He would like to say a few words with regard to the general position of local government. Naturally it was inadvisable to place a complete picture of the situation before the public. They had got to get the public mind attuned to confidence. During the year serious financial difficulties were experienced. First through withdrawal of grants to the extent of $1\frac{3}{4}$ million. As a set off against that loss local councils did not repay sums of money due to the British government or perform other acts that cost money for the British government and the actual net loss would be something less than one million. On top of that came the opposition to the rate collectors which was practically universal throughout the country. Only in a few

councils were the ratepayers willing to lodge money to other treasurers than to the treasurers recognised by the enemy department. In most places rate collection ceased altogether and it was through the Minister of Defence the position became steady and subsequently stabilised. At one period it came very near the point of closing down but they never actually reached that point. Towards the close of the financial year every solicitor received a warning from the Department to the effect that any solicitor obtaining garnishee orders of decrees would be proceeded against with all the forces of the Republic, that these moneys were regarded as vital for the country and any interference with them would be regarded as criminal. The result exceeded their anticipation. A meeting of the solicitors was held and all the decrees had been withdrawn in Ireland with the exception of three in Tipperary. The difficulties at present concerning them were mainly agitations against payment of rates. Owing to the great increase in rates and the slump in prices of agricultural produce and general business there was a great reluctance to pay rates which was a very ill-judged and ill-advised policy. There was no extravagance, a great tuning up had been done, and generally there was greater efficiency than since the Local Government Act was passed.

Rate collectors were instructed to lodge moneys to the local councils and in only one case had they discovered that a rate collector made away with money. A bond was usually entered into between the rate collectors, the local committee and the British Local Government Board, but owing to the operations of the criminal injuries code that proceeding had to be varied and there was little use in having any bond.

One other matter he would like to mention and that was the great difficulty local councils had in holding council meetings. Black & Tans had attended these meetings and members were arrested and imprisoned for opposing motions introduced by some pro-English member.

The Department had got applications from Ballinasloe and Clonmel Asylums for the assistance of able administrators and they had sent down two good men and hoped that some improvement would be effected. The Department had a staff of 20 inspectors who had been going all over the country attending meetings of the co. councils and district councils and endeavouring to stir up and improve the administration of the country. They had been of immense use and through their work were instrumental in improving the rate collection. They had also a staff of about 5 auditors. Both the inspectors and auditors had to work under great difficulties and several of them had been arrested. They had held three sworn inquiries—in Claremorris, Cork and Limerick.

In connection with amalgamation of unions, he said the matter met with great local opposition in most places. It came from every class of the community even from religious communities. He considered the abolition of the boards of guardians was absolutely essential. The Department had set up a new institution under the Dáil which would free people for ever from the taint of pauperism.

He would like to mention that the Limerick scholarship scheme which had been adopted by the Ard Fheis was really initiated by two members of the L.G.B. staff.

He desired to say in conclusion that the Department came very well out of the period of intensified terrorism and he would like to pay the highest tribute to his colleague, K. O'Higgins, and to the staff.

S. FITZGERALD stated that the English Minister of Transport was offering large sums of money to public bodies to enable them to employ ex-service men on public works. There was a stipulation made that the money must be used by the employment of ex-service men and as the councils concerned had also to supply adequate road metalling, gangers etc., several of them asked him for guidance. He now asked the Minister for a direction in the matter.

MINISTER FOR LOCAL GOVERNMENT replied that in December last that question came up and the facts stated by the Deputy for Cobh were quite correct. The money was available from motor taxes. A case occurred in Wexford and he wrote to the County Council there as follows:—

(Insert copy of letter and further correspondence)[1].

1. Neither the letter nor the further correspondence is on the record.

Another case occurred in Thurles where a grant of £1,000 was made. There was no objection he knew of to acceptance of this money should there be no such conditions made as to audit of accounts or control of employment. They could not accept any money which would involve loss of principle.

One other matter he forgot to mention and that was in the case of vacancies occurring for the secretaryship of co. councils the Department had set up an examination and held examinations and the co. councils had accepted the men who had passed.

D. O'CALLAGHAN asked who appointed the auditors and whether due consideration was given to their records.

MINISTER FOR LOCAL GOVERNMENT replied that there was no competition for these positions. Some objection was raised because some of the inspectors did not know Irish. They were for two months endeavouring to get a staff of 14 and it was four months before they had them. With regard to auditors they had the greatest possible difficulty in getting the five they had.

DAN McCARTHY asked had they any fixed policy with reference to public men taking up paid positions under their councils.

K. O'HIGGINS replied that the position of Town Clerk of Waterford was not subject to the approval of Dáil Éireann. The Department pointed out the undesirability of such things but did not take any responsibility for the appointment. The only other case he knew of was in Baltinglass where the chairman of the local rural council resigned and became a candidate for the clerkship. The Department did not sanction that and pointed out he should have ceased to be a member for 6 months. They made a temporary appointment. At the end of the six months the Department wrote again saying they would refuse to sanction the ex chairman's appointment. An ex-policeman was then appointed.

In a case in Rathdown a man in Ballykinlar was appointed and as he was not available some local representative was taken on at £4 a week to keep the job open. The Department objected to this and said they would order a new election as they could not sanction payment of a greater salary than was attached to the position. His wife then took up the job.

When the Department took over the supervision of the local government councils they took over all regulations under the Local Government Act subject only to such exceptions as might be ordered by the Department with the sanction of the Ministry. The Department administered the rules and laws as it found them. One chairman of a co. council made a most bitter attack on it because it would not concede to his council the right to say to any servant "your services are no longer required" and with regard to pension "you are a fairly wealthy man and you do not need it". That would be a monstrous thing to allow—to say that the local committee could inquire into the private affairs of any official who was retiring. It was a very bad thing for a man in the position of a chairman to make an uncalled-for public attack on the Department when they were engaged in a deadly duel with the enemy.

P. BRENNAN said the Clare Co. Council were absolutely dissatisfied with the running of the Local Government Department. The success which had attended the Department was due to the efforts of the local co. councils. He asked were the inspectors employed qualified in local administration.

MINISTER FOR LOCAL GOVERNMENT said he did not understand what was meant by were the inspectors competent. He should get specific cases of complaint. Clare Co. Council had the largest amount of rates outstanding of any council in Ireland. The inspectors had visited every local committee in the country, they had visited numbers of rate collectors and given valuable information that enabled the Department to get the services of the Defence Department and put the Army after the hostile rate-collector with splendid results.

F. DROHAN asked if the Minister was aware there was trouble in connection with the appointment of a surveyor in the South Riding of Tipperary.

MINISTER FOR LOCAL GOVERNMENT said small matters like that would

be better not discussed here. He explained an examination was held at which Mr. Meade was successful and Mr. Duggan failed. Mr. Meade was subsequently arrested and Duggan was taken on temporarily. The Department had informed the council they should appoint at least a man who had passed the exam.

M. P. COLLIVET complained that corruption was creeping into public bodies. He asked did the Department insist that all public appointments were duly advertised.

MINISTER FOR LOCAL GOVERNMENT said no cases had been brought to his notice of appointments being made without notice by advertisement. In future no appointments would be sanctioned unless there was an exam or the candidate had already been in the public service.

THOS. O'DONOGHUE said all the boards of guardians were objecting to the amalgamation schemes and making false statements that the schemes had not been sanctioned by Dáil Éireann.

We would like to know if any rates had yet been collected.

MINISTER FOR LOCAL GOVERNMENT replied yes, but not with any degree of efficiency except in Dublin. There were just a few places where there was great opposition to payment of them. In Galway it was alleged the I.R.A. were advising the non-payment of rates. He did not believe that but he thought other people were operating in the name of the I.R.A.

S. NICHOLLS said the question of audit was most essential. Many of the public boards were clamouring to have their accounts audited and it was not fair to leave them in control of public funds for a year and a half without audit.

MINISTER FOR LOCAL GOVERNMENT said they were endeavouring to get qualified auditors for the Department.

P. HUGHES suggested with regard to amalgamation if the Minister could make some ruling on the matter and, by leaving it to the local committees, schemes would be more satisfactory. He believed, in order to do away with pauperism as it existed, all boards of guardians should be advised in all cases to have young children under their control boarded out with respectable families in the country. Any children reared in institutions could never get away from the bad atmosphere of such places.

P. J. O'BYRNE said he regarded the attack made on the Minister by the member for East Clare (P. Brennan) as very unwarranted. The Department were carrying on the business under great difficulties and with great efficiency. The best proof of that was that control of all local administration had passed into their hands. With reference to the matter in dispute between the Clare Co. Council and the Department he thought that discretion as regards pensions should be left to local councils. What they complained of under the old regime was the power held by the enemy Department. The councils should not be bound hand and foot like they were under the old British law.

With regard to amalgamation he pointed out there were certain districts in one county and it would be better for them to come into a neighbouring county. He had the case of Borris Union in Offaly in mind. It would be much easier for the people to come into Roscrea.

ASST. MINISTER FOR LOCAL GOVERNMENT, K. O'HIGGINS, said there was no objection to the Tipperary Co. Councils making the necessary arrangements with the Offaly Co. Council. There would have to be a national scheme on a national basis, but all this was useful preliminary work. They could not lose 1¾ millions in grants and carry on as if they had lost nothing. They had got to close down a great many of those institutions all over the country.

Report was then put and adopted unanimously.

## TRADE AND COMMERCE REPORT

DIRECTOR OF TRADE & COMMERCE[1] said the only thing he wished to add to his report was a reference to the amount the Dáil would be asked to vote for the commission of inquiry. Up to the last meeting of the Dáil it had received

1. Ernest Blythe.

£6,950. Since then they had received £601 in refund of cost of printing, of which £421 would enable the commission to pay all running expenses up to the 30th October and the remainder, £180, to complete the printing on hands. The commission owed at present about £500 for the printing of the coal memoir. Two reports were ready to come out. At any rate the Dáil would now be asked to vote £827 which would pay all the debts incurred by the commission to date. There would of course be three or four reports completed by the end of October and it would be necessary when they were in the hands of the Ministry to make arrangements about the printing of them. At the last meeting of the Dáil an arrangement was made on behalf of the Ministry to have the commission wound up as soon as possible. He went into the question and he felt it would not be right to wind up the commission in an abrupt manner leaving a number of reports in a half finished state.

JOS. McBRIDE moved the adoption of the report. He wished to congratulate the Director on the excellence of the report. He would like to say in reference to direct shipping it would be necessary and advisable in the time to come that the owning of ships by Irishmen be encouraged in every way.

There was one industry in Ireland which he thought was not properly supported: that was the making of roofing tiles. At present all roofing tiles came from England or Wales. He suggested tile making should be added to the Director's list of home industries.

D. KENT seconded the motion. There were two industries which he would like the Minister to give attention to—manufacture of cloth and leather. At present Irish cloth mills were only working half of quarter time. That would continue as long as they permitted the importation of manufactured cloth. With regard to leather they were importing ¾ of the leather used in Ireland. This country had been one of the greatest leather producing countries in the past.

G. GAVAN DUFFY said he had great pleasure in supporting the adoption of the report. He suggested the time had come when they should take definite steps towards equipping men for the post of consuls abroad. Consuls were made not born. The German system was to send a man to the country in which he was going to be consul for six months or a year with instructions to learn the language and habits of the people and become familiar with their trade and politics. These were matters that could not be studied at home. He thought it would be an excellent thing if a sum of money, say £3,000, were set aside to enable young men to go abroad to acquire the necessary knowledge. They should avoid employing foreigners. They should also avoid employing half time consuls as the results of their work were always unsatisfactory. It was obvious that their consuls abroad could not do very much at present and he suggested they should be instructed to do all they could as press agents amongst the newspapers of their particular countries.

He asked had any report ever been made about the Overseas Trading Co. They had written frequent letters to it and never got replies. If the company was dissolved or put out of action their agents abroad should be informed. He would be glad if the Director of Trade and Commerce gave him an account of it.

D. O'CALLAGHAN (Member for Cork City) said he was waiting for a reply on this point also. If the company were not under the Dáil it did not concern them.

JOS. McBRIDE pointed out with reference to the training of consuls they had them already partially trained as B.Comms. in the university.

M. P. COLLIVET asked would it be possible for the Director to supply them with a short précis of the reports of the Industrial Commission.

DIRECTOR OF TRADE AND COMMERCE replied with reference to the matter of roofing tiles he thought he could not issue any further prohibition orders to the Truce but he would look into the matter. It would be impossible in the matter of leather to prohibit imports as there was no "upper" leather manufactured in Ireland. It would be a great mistake to prohibit the import of foreign leather and boots.

With regard to woollens he thought he could prohibit the import of the heavier

goods, but the lighter ladies woollens were not produced in Ireland.

He agreed with the Deputy for S. Dublin (G. Gavan Duffy) about the preparation of men for the office of consuls. The difficulty at present was that they had only a few appointments to make. It was a very expensive service and even if the Dáil were willing to vote the money for training men he would not be inclined to recommend such a scheme at present. With regard to employment of half-time consuls, those with actual consular work could be half-time, but their consuls were rather trade commissioners and half-time men, he agreed, would not be suitable. Referring to the Overseas Trading Co. he said it was a means of communication with foreign countries and places where they had no consul and of obtaining information on all matters of trade and commerce which he could not have written for as a Department of Dáil Éireann. He also thought he could use that address for letters through the post. Unfortunately the name was given out by the consuls in a way it should not have been and it became known to the enemy and had to be discontinued.

He did not think it would be practical to supply any précis of the reports of the Commission of Inquiry into the Resources of Industries of Ireland. There was a very considerable amount of work done and the impatience shown by the Dáil was not justified. There was a very difficult task imposed on the commission. They could not be expected to appoint three or four staffs with only £5,000 voted to them and the result was although they had four or five committees they had only one staff in the office to carry on the work. He thought in fairness to everyone the committee could not have proceeded more expeditiously than it did. He thought this was an omnibus commission and the most that could be expected from it was general information on which further departmental commissions could base their work. The members of the commission had worked very hard and he considered they deserved every thanks from the Dáil for the results they had given.

Question put and agreed.

1. Seán S. Ó Ceallaigh.
2. Robert Barton.

## IRISH DEPARTMENT: DISCUSSION ON REPORT

MINISTER FOR IRISH[1] said he had nothing to add to the report already presented.

ML. HAYES proposed adoption of report.

THOS. O'DONOGHUE seconded.

GEO. NICHOLLS asked how many organisers were appointed and was the Department sure they were all working.

ASST. MINISTER, F. FAHY, replied that eight organisers were appointed. He said it was hard to find out under the conditions that existed whether the organisers were working or not. He got some complaints from Galway.

G. NICHOLLS thought any man not doing the work should not be paid and a man willing to do the work put in his place.

F. FAHY said he would be going down the country to examine the work done and any man who had not done well would be dispensed with.

F. DROHAN complained that the two organisers in his district were not doing much work.

MINISTER FOR AGRICULTURE[2] said he would like to see something on the programme of instruction for Irish primary schools about agriculture.

F. FAHY replied that could be arranged yet.

MINISTER FOR IRISH pointed out it was very difficult to do any work lately in the country. It was very hard to get suitable men. Men with a knowledge of Irish were almost impossible to get. There was no man in Ireland that the

enemy was more against than the Irish inspector and many of them had been arrested. For the past year if a piece of paper written in Irish was found on a person he was immediately arrested and now no one was writing Irish. This year competitions at the Oireachtas fell to the ground.

Report was then put and adopted.

A. GRIFFITH moved the adjournment of the House till 11 o'clock to-morrow. He said there were three more reports and two of them were fairly lengthy and would involve a long discussion.

GEO. NICHOLLS seconded. Motion adopted.

Dáil adjourned at 6.20 p.m. till Tuesday morning at 11 a.m.

# DÁIL ÉIREANN

Private Session

Tuesday, August 23rd, 1921

Dáil assembled in Oak Room, Mansion House, at 11.20 a.m.

## PEACE NEGOTIATIONS

PRESIDENT as promised at previous meeting presented the draft reply which the Ministry proposed to send to the British government. As the reply would not be despatched till to-morrow he asked the Deputies, if questioned by the pressmen, to reply that they were not at liberty to disclose what occurred at a private session. He read the reply which was as follows:—

24 Lughnasa, 1921.
Do Dháithí Uasal Leód Seóirse,
10, Sráid Downing,
i Lonndain.

A Chara,

An tuairim do bhí agam roimh ré agus mé ag tabhairt freagra ort an 10adh lá de Lughnasa tá deimhniughadh déanta air anois. Leagas tairsgint bhur Riaghaltais-sa os comhair Dála Éireann, agus dheineadar a dhiúltadh d'aon ghuth.

Ba léir ó nbhur litir an 13adh lá de Lughnasa gur mhian libh go n-admhuighmís nár mhór ceart na hÉireann do bheith ar lár ar mhaithe le cúrsaibh cosanta Sacsan do réir mar shaoil sí féin, toisc a chomhgaraighe is bhí Éire do Shacsaibh; agus nár mhór d'Éirinn géilleadh do'n smacht iasachta anois toisc a fhaid agus a dhícheallaighe is do bhítheas a d'iarraidh Éire do chur fé'n smacht soin 'san am atá imighthe.

Ní féidir liom a chreideamhaint gur mheas bhur Riaghaltas feidhm do bhaint as neart airm gan scál a chuirfeadh ar neamhnidh macántacht na náisiún is a chuirfeadh críoch le síothcháin an domhain. Má théigheann ceart saoirse an náisiúin bhig ar cheal chomh luath is chuireann comhursa neartmhar dúil 'san tír i gcomhair airm no pé buntáiste eile bheadh le baint as, sin deireadh le saoirse. Ní fhéadfadh náisiún beag súil do beith aici le neamh-spleadhchas iomshlán feasta. D'fhéadfaidhe Tír fo Thuinn is Danmharc do chur fé smacht na Gearmáine, Flondras fé smacht na Gearmáine no na Frainnce, an Portaingéal fé smacht na Spáinne. Náisiúin dár ceangladh d'impireachtaibh le neart fóiréigin, má chaillid a neamhspleadhchas dá dheascaibh, níl aithbreith na saoirse i ndán dóibh feasta. Maidir le hÉirinn má luadhtar go bhfuil sí ag scaradh le páirtidheacht nár ghlac sí riamh leis, no le dílse nár gheall sí riamh, níl ann acht bréag ó bhonn; mar a chéile, éagcóir ó bhonn bheith ag éileamh a neamhspleadhchas do chur fé chois ar mhaithe le cosaint Sacsan. Ní féidir linne .i. teachtaidhe an náisiúin, géilleadh do cheachtar aca.

Ní thréigfimíd-na onóir ár dtíre ná an ceart a tugadh dúinn le cosaint; agus má dheineann Sacsa adhbhar cogaidh de sin, is truagh linn é. Is léir dúinn cad é ár gcúram ar son na mbeo, agus ní lugha ár dtuigsint 'san nidh is dual dúinn agus 'san chomaoin atá orainn ag ár mairbh chródha. Ní rabhamair ar lorg troda, is nílmíd ar lorg troda; acht má chuirtear an comhrac orainn caithfimíd sinn féin do chosaint agus déanfaimíd san. Agus ciaca eirgheochaidh linn no ná eirgheochaidh, beimíd deimhnighthe ná molfaidh aon dream fear ná ban de theachtaibh Éireann do'n náisiún an ceart is dual di do scaoileadh uaithe.

Is mór is mian linn deireadh do chur leis an achrann so idir Éirinn agus Sacsaibh. Má tá ceaptha ag bhur Riaghaltas-sa a toil dimirt orainn le neart fó'réigin agus

coingheallacha do leagadh amach roimh ré a bhainfeadh dínn ár staid dúthchais is a dhéanfadh adhbhar magaidh de'n socrughadh so ar siubhal eadrainn, sibh-se bheidh ciontach le buaine an achrainn.

Do réir na gnáth-chomhairle úd gur toil an phobuil is bun le Riaghaltas, is féidir síothcháin do dhéanamh feasta, agus síothcháin go mbeidh ceart is onóir ann do chách is go mbeidh cneastacht is buanmhuinnteardhas mar thoradh air. Is toil le Dáil Éireann teachtaidhe do thoghadh chun a leithéid de shíothcháin do dhéanamh; agus lán-chomhacht do thabhairt dóibh chun a chur i bhfeidhm i nbhur dteannta-sa, má ghéilleann bhur Riaghaltas do'n ghnáthchomhairle seo luaidhte.

Mise,
do chara gan cháim,
(Síghnithe) EAMON DE VALERA.

(Official Translation)

Mansion House, Dublin,
August 24th, 1921.

The Right Hon. David Lloyd George,
10, Downing Street,
Whitehall, London.

Sir,

The anticipatory judgment I gave in my reply of August 10th has been confirmed. I laid the proposals of your Government before Dáil Éireann, and, by an unanimous vote, it has rejected them.

From your letter of August 13th it was clear that the principle we were asked to accept was that the "geographical propinquity" of Ireland to Britain imposed the condition of the subordination of Ireland's right to Britain's strategic interests as she conceives them, and that the very length and persistence of the efforts made in the past to compel Ireland's acquiesence in a foreign domination imposed the condition of acceptance of that domination now.

We cannot believe that your Government intend to commit itself to a principle of sheer militarism destructive of international morality and fatal to the world's peace. If a small nation's right to independence is forfeit when a more powerful neighbour covets its territory for the military or other advantages it is supposed to confer, there is an end to liberty. No longer can any small nation claim a right to a separate sovereign existence. Holland and Denmark can be made subservient to Germany, Belgium to Germany or to France, Portugal to Spain. If nations that have been forcibly annexed to empires lose thereby their title to independence, there can be for them no rebirth to freedom. In Ireland's case, to speak of her seceding from a partnership she has not accepted, or from an allegiance which she has not undertaken to render, is fundamentally false, just as the claim to subordinate her independence to British strategy is fundamentally unjust. To neither can we, as the representatives of the Nation, lend countenance.

If our refusal to betray our nation's honour and the trust that has been reposed in us is to be made an issue of war by Great Britain, we deplore it. We are as conscious of our responsibilities to the living as we are mindful of principle or of our obligations to the heroic dead. We have not sought war, nor do we seek war, but if war be made upon us we must defend ourselves and shall do so, confident that whether our defence be successful or unsuccessful no body of representative Irishmen or Irishwomen will ever propose to the nation the surrender of its birthright.

We long to end the conflict between Britain and Ireland. If your Government be determined to impose its will upon us by force and, antecedent to negotiation, to insist upon conditions that involve a surrender of our whole national position and make negotiation a mockery, the responsibility for the continuance of the conflict rests upon you.

On the basis of the broad guiding principle of government by the consent of the governed, peace can be secured—a peace that will be just and honourable to all, and fruitful of concord and enduring amity. To negotiate such a peace, Dáil Éireann is ready to appoint its representatives, and, if your Government accepts the principle proposed, to invest them with plenary powers to meet and arrange with you for its application in detail.

I am, Sir,
Faithfully yours.
(Signed) EAMON DE VALERA.

They could see, he continued, that their vote of yesterday of approval of the

rejection of the terms was interpreted in a very definite manner and they were implicated in the reply to that extent and also in appointment of plenipotentiaries on the basis of "government by consent of the governed". That phrase would clear them from the challenge that they were trying to impose their will upon Ulster.

DR. MACCARTAN asked did the President suggest there was something implied in the phrase "government by consent of the governed".

PRESIDENT replied there was not, only it could be read into it that it had reference to Ulster.

PROFESSOR STOCKLEY pointed out several small nations had been mentioned in the statement by name and it occurred to him that as so much had been made of Serbia would it be well to suggest the case of Serbia.

PRESIDENT was afraid it would make the reply too cumbersome. It was only a detail.

M. P. COLLIVET suggested the word "free" should be inserted before the phrase "consent of the governed".

PRESIDENT pointed out the phrase "government by consent of the governed" was a world wide historic phrase and did not require qualification. He asked did any Deputy object to the phrase rejecting the proposals or the phrase "government by consent of the governed". And there being no objection, he explained it would be regarded everywhere as a triangular problem. They had to negotiate with Ulster on the one hand and Britain on the other. It was his intention to get off the reply to-morrow and to have a public session on Friday when he supposed he would be called upon to give an analysis of the proposals.

J. J. WALSH was anxious to have the question of Ulster fully discussed and asked for an opportunity to discuss it.

PRESIDENT said he would try and find an opportunity for it.

## QUESTIONS TO MINISTER FOR DEFENCE

MINISTER FOR DEFENCE said four written questions were put to him and he would now answer them as follows:—

(1) Was any attaché appointed to the armies of Turkey or Egypt? No.

(2) Could not some officers be sent to Russia to be trained? Yes, but no necessity for it now.

(3) What efforts were made to establish contact with Russia? That is a question for Foreign Affairs.

(4) How many service rifles in Ireland are under the control of I.R.A. and the average number of rounds? It was plain he could not answer that question.

(5) Was the destruction of enemy property in England organized? Tá.

## FISHERIES DEPARTMENT REPORT: DISCUSSION

SPEAKER said the next business was the discussion of the report of Fisheries Department.

(Speaker here vacated the Chair and it was taken by the Deputy Speaker (S. Ó Ceallaigh).)

DIRECTOR OF FISHERIES, S. ETCHINGHAM, T.D., said for several reasons the activities of the Department were turned to the organization of home and foreign markets and he appealed to the Deputies to give all the help they could in the different areas suitable. They were at present concentrating on the Dublin market which could deal with 100% more than it was dealing with at present, but it would not take anything but high-class fish as it would not pay to send anything else.

He had a letter from Clonmel to-day which showed that fish sent from Liverpool at 2 p.m. on Thursday reaches there at 9 a.m. on Friday whilst fish sent from Howth by the first morning train did not reach till 9 p.m. on Friday night. He had the same complaint from Dingle. They could not do anything at present except to get the public boards to interest themselves to compel the railways to improve transit facilities. It was absolutely necessary to organize the home market if they wanted to develop the fishing industry. The foreign markets were at present very bad. He had with him reports

showing the decrease in the prices in Scotland, England and Wales. Mackerel fishing was a failure this year. America was threatening to put a high increase on the duty on imported mackerel—5½ dollars—or an increase of 3½ dollars on the present tax. That would mean Ireland could not export cured mackerel to U.S.A. However, Mr. F. P. Walsh was interesting himself in the matter.

M. P. COLLIVET proposed the adoption of the report. He would like to know if the Director took up the matter of transit direct with the railway companies. He had no grievance if he did not make an attempt to remedy the trouble. He suggested that big business firms, shareholders and large traffic-dealers should be approached to bring pressure on the railways to give improved transit facilities.

SEÁN HAYES seconded the adoption of the report. He noticed they got no information about those co-operative societies which had been financially assisted by the Dáil. He would like to hear how they had progressed.

P. Ó MÁILLE said he would like to find out if their Government had sent any communication to the American government on the proposed increased tax to be imposed on mackerel.

DIRECTOR OF TRADE AND COMMERCE, E. BLYTHE, replied that he had communicated and had been working on the matter for the past four months. Mr. F. P. Walsh had promised he would do his best in the matter when he returned home to the U.S.A.

DEPUTY P. Ó FATHAIGH (Galway) asked how much money was lost over the co-operative societies.

DEPUTY TOMÁS MAC DONNCHADHA (Tipperary)[1] said a lot of poor people put money into the Dangan Co-operative Society and they had heard nothing about it ever since. They had lost all confidence in the Dáil. They had built their own ice factory in Cahirciveen, but it was impossible to have any development in the industry without help from the Government.

DEPUTY P. BRENNAN (E. Clare) asked would the Department have any interest in the Shannon Fisheries Board.

DEPUTY S. O'MAHONY (Fermanagh) suggested the Director would get the sanction of the Dáil to send three or four men abroad to Lowestoft or Yarmouth where they would get a perfect knowledge of grading fish. Technical knowledge was absolutely essential.

He would not agree with the Director that co-operative fishing would ever be a success. His experience was that it was only individual enterprise that made fishing a success.

They got no report from the various fishery societies established on the Irish coast. He had heard nothing about the inquiry ordered into the affairs of the West Carbery Society.

Railway transit was a serious matter, but no successful development would be carried out unless the organizers knew their work and did it well. In America they would only handle certain well-known brands. The home market would be unlimited if properly developed. It was said Irish people did not eat fish. The difficulty was it could not be secured.

DEPUTY J. J. WALSH said the report of the inquiry into the West Carbery Fishing Society was presented by himself and Deputy Seán Hayes at a previous meeting.

DEPUTY L. DE RÓISTE (Cork City) said the question of branding in connection with the export of cured mackerel was only one side of the problem. The question of marketing was perhaps of more importance. What happened during the war was that the Americans were willing to buy any sort of fish and there was no grading done. The old method in operation was that the curers graded the fish according to size and catch and they sent the fish on consignment to buyers in America. They received a certain advance as soon as the fish was shipped at Liverpool, but they never knew how much they would eventually get for their produce. The buyers might have been honest men but his impression was that the buyer made the most profit out of the business.

1. Seósamh Mac Donnchadha was a member for Tipperary. Tomás Ó Donnchadha was member for Kerry

He suggested (1) that mackerel curers should get instructions on grading (2) that there should be a national brand and (3) that instead of sending the fish consigned it should be insisted upon that an outright sale was made. It was also of importance that they should have a representative in America to take charge of their interests. If such improvements were not made the export trade would be killed.

MR. JOS. McBRIDE (Mayo) thought the Ministry had been unjust with the railway companies. He saw fish vans attached to the mail train with only one or two boxes in them and he was not surprised that the railway companies did not continue the service. When he went home lately he met a man from Achill who told him the whole coast was full of French fishermen lifting up free fish. The people round were calmly looking on while the foreigner caught the fish. The Minister, he was afraid, would have to make the natives catch the fish.

DIRECTOR OF FISHERIES replied that the reason he suggested public boards should take the question of transit facilities up was that they had some influence at present with traders and shareholders. He was glad to hear from the Deputy for Mayo (Mr. McBride) that fish vans were provided. He knew lines where there was a refusal to do so. With regard to the question as to the state of the societies, there was a dual report presented on the West Carbery Society and was discussed at the last meeting of the Dáil and disposed of. He told Deputy Thos. Ó Donnchadha that he would supply him with the full figures for Dingle. The whole peninsula was thoroughly organized; there was a building obtained for a curing house and sheds erected by voluntary labour. The commission of inquiry met at Dingle and went into the whole question and the result was they found it would take from £16,000 to £20,000 to work the industry there: that was the impediment. That amount of money could not be put up at the time. The local people could only find £1,000 and the Dáil could not provide the balance. It would be a good investment if the fish came in but fish did not come when you wanted them and it might be a bad speculation.

They knew about ice being wanted in Cahirciveen but that was a matter of finance. With regard to W. Carbery, the district was a very good mackerel area and some of the best fishermen in the country were there but the society was started at the worst possible time. No buyer he knew made money that season, in fact 2 or 3 of them went bankrupt.

If the House desired it the bank would proceed against the society for the amount due, a matter of about £6,000. They had given security on their boats. He would not advocate doing so. There was stock there estimated at £5,000 but it was not worth that sum. The fishermen thought they could start again if conditions were normal, but there was no work proceeding there now. The men were most anxious to develop the co-operative system. Mr. O'Mahony objected to co-operation but it was a policy sanctioned by the Dáil. They could not have a national brand unless the men were organised and they could not have them organised without having co-operation and the men linked up by co-operative societies.

MR. O'MAHONY remarked in Norway there was no co-operation.

DIRECTOR OF FISHERIES continued and said he thoroughly agreed with Mr. O'Mahony that Norway was the place to send their men for training. Fishing there was under state control and they had a grip of most of the foreign markets.

The standard of Irish fish was the very lowest instead of being the highest. The policy of societies was the only policy he would advocate and the only one they could work. The matter of markets was only a temporary measure to meet the present position because they could not function openly and work societies. The fishing industry was one of the most important they had and would require state aid. They would want to put millions into it, and they were not able to do that. Then they did not get the best men. It was necessary these organisers should have a knowledge of Irish; they had that, but they would want to know something about fish as well and boats. They did their best and three of them had been dispensed with because work could not proceed.

He agreed with Mr. O'Mahony that they should send men abroad for training but he disagreed with him as to co-operation. If

Mr. O'Mahony could put forward any better scheme that would organise the men and give them the best return for their work he would consider it.

The small estimate applied for this half-year was only to work the markets. Re inland fisheries he had been trying to get the police to stop poaching. Salmon fishing was a success this year because they had no fish in the English or Scottish rivers.

F. FAHY asked what was the nett loss suffered by the Dáil owing to the Department's activities in promoting these co-operative societies.

DIRECTOR OF FISHERIES replied he would have the figures for the Dáil to-morrow.

DEPUTY SPEAKER said before he put the report to the Dáil for adoption he would say one word with reference to an observation which dropped from the Minister of Fisheries. He said it because he was afraid the remark might be interpreted that a qualification of Irish for an organiser of fisheries might seem to spell inefficiency. When these appointments were being made 2 years ago all candidates were sent to him to see if they were qualified in Irish. He was glad to say that at no time did he recommend a man who was not qualified in the duties required of him because he had Irish. On one occasion two candidates, who were passed as qualified, were sent to him for examination re Irish. They were both fully qualified in Irish but he recommended that he considered one of them unsuitable for the position and it turned out afterwards that that man was not successful, but he was taken on because of the great dearth of candidates. He was afraid the Director of Fisheries unwittingly put his reference to the qualifications in Irish in such a way that it could be interpreted by the Dáil in this manner—a man having qualifications in Irish was more likely not to be the best man for the position.

DIRECTOR OF FISHERIES explained there was nothing further from his mind than to suggest such a thing. He dared say he could not have got better men at the time. He would be the very last man to sneer at the language.

Question put and agreed.

## DEPARTMENT OF AGRICULTURE REPORT

MINISTER OF AGRICULTURE, ROBERT BARTON, said before the Dáil took the report from Agriculture he wanted to make a report to the Dáil upon the National Land Bank. They noticed that a smoke screen had been drawn over the bank and he desired to clear it now for the members of the Dáil. It had been referred to in the agricultural report as a "Loan Fund". The Dáil had never officially recognised the Land Bank and it was not the policy of the Ministry to officially recognise it at present.

The National Land Bank was registered in December 1919, in accordance with a scheme carefully worked out by a committee acting under the direction of the Dáil to give effect to the Decree of June 18th, 1919,

> "That the provision of land for the agricultural population now deprived thereof is decreed and a Loan Fund under the authority of the Dáil may be established to aid this purpose".

The first object in view was to facilitate the transfer of untenanted land to landless men and uneconomic holders and thus to prevent emigration and rural congestion.

Under the Land Acquisition Scheme a sum of £203,000 was transferred by the Minister of Finance to the bank, and with this forty groups of what were once landless men and uneconomic holders have been organised [into] farming societies with joint and several liabilities for the loans advanced.

The membership of these societies is approximately 850 and the area they own and occupy covers 15,750 acres. For the purpose of this land the bank has advanced up to June the 30th last the sum of £316,590 and a further sum of approximately £27,000 (the exact amount is subject to adjustment on closing) will in due course be paid over to complete the negotiation already entered into in respect of six estates in which the legal formalities have not been completed.

Against these advances the bank holds cash security deposits lodged with it by the members of the 40 land societies amounting to eighty three thousand, eight hundred and thirteen pounds (£83,813) equal to 26·4% of the purchase price in addition to first mortgages on the whole of the land all of which was very

carefully valued before purchase was sanctioned.

The amount of land dealt with is very small in comparison to the needs of the country and represents a fraction of the applications made to the bank, but it is sufficient to prove that the principle upon which the Land Acquisition Scheme is based meets the requirements of the people, is fundamentally sound and can be expanded to form the land settlement policy of the future.

The farms purchased are distributed throughout the centre of Ireland from east to west in those districts where the greatest area of untenanted land remains.

The societies are located as follows:—[1]

| | |
|---|---|
| Conntae na Gaillmhe | 7 |
| ,, an Ríogh nó Ua bhFailghe | 6 |
| ,, Maighe Eo | 4 |
| ,, Luimnigh | 3 |
| ,, Chille Dara | 3 |
| ,, Chille Coinnigh | 2 |
| ,, Liathdroma | 1 |
| ,, na Midhe | 1 |
| ,, na hIar-Mhidhe | 1 |
| ,, Rosa Comáin | 1 |
| ,, Cheatharlach | 1 |
| ,, Shligigh | 1 |
| ,, Chiarraighe | 1 |
| ,, Átha Cliath | 1 |
| ,, Thiobrad Arann | 1 |
| ,, Lughmhaighe | 1 |

In practically all cases the purchasers are well satisfied and payments due to the bank are being punctually met.

The bank and its land operations has worked harmoniously with the Land Commission courts and those who were concerned over the land agitation which sprang up in the Spring of 1920 will agree that the concerted efforts of the two authorities probably averted an outbreak of violence which might have had very serious national consequences.

For the immediate future the land purchase operations of the bank, owing to the exhaustion of the funds allotted by the Dáil for its purpose, must necessarily be governed by the amount of money which the bank can in future obtain from its branches in the country.

In addition to financing the Land Acquisition Scheme it was found desirable to attempt to establish a financial centre for Ireland which, while providing the usual banking facilities, would invest Irish capital in Irish enterprises instead of placing it at the disposal of the commercial interests of foreign countries.

Steady and continuous progress is being made in the banking department as will be seen from the balance sheet of June 30th, 1921, now before you.

Branches were opened at the beginning of the year in Cork, Limerick, Waterford, Athlone, Ennis and Enniscorthy and a sub-office in Rush transacting business on one day in the week.

The Directors, finding that the premises in Leeson Street were too small and inconveniently situated for the rapidly expanding business of the bank, decided to purchase a site for a new head office in Dame Street. The structure purchased required alterations and additions. Owing to building strikes and other causes these new premises will not be available for a few weeks.

I take this opportunity of urging all members of the Dáil to secure that a large share of the country's capital at present deposited in these banks which are compelled to look to London for guidance in their financial and economic policy shall be transferred to your own bank, which is giving practical expression to the financial and economic policy of the national government and whose object is to encourage the growth of the population and the industries that shall support it.

THOS. O'DONOGHUE asked had the Dáil any official connection with the Irish People's Bank.

MINISTER FOR FINANCE replied that the Minister of Agriculture did not know any of the circumstances. The Irish People's Bank had no connection whatever with the Dáil and anyone who was foolish enough to put money into it he considered fair game for the fellow who was running it.

LIAM DE RÓISTE asked had the directors of the Land Bank considered the question of foreign exchanges at all. So far as trading with America was concerned the Bank of England was the bank that gave the best terms. In the case of the other banks which operated, most of them worked through a branch in

1. This list accounts for 35 societies, not 40 as mentioned in the statement.

London or some American bank in London and it was desirable they should have in this country some bank or institution that would represent an American bank in a sense and so cut away altogether from the hold which even yet some of the institutions in London had in this country.

MR. BARTON replied that this matter had been considered and was at present under the consideration of the Minister of Finance and the directors of the bank. He would like to state a few more details with regard to branches and the support the Land Bank had received. The way the directors had been misled by some important personages in the districts where they wanted branches of the bank established was nothing less than scandalous. When application was made an inspector would be sent down; he was impressed with the stories of the enormous sums of money waiting to be invested, deposits, private accounts and public accounts. One branch had opened with all these prospects and after six months it had 25 current accounts. But he would not have pity for the directors if they had not been misled by promises to be snowed under by money. He was not talking so much about depositors but the current accounts he was finding fault with. He thought it was due to the fact that the public men who wanted them to open failed to put in their own accounts. This happened all over the country. In Dublin he had to go round and do the tout himself.

He had hoped and still hoped that the members of the Dáil would in future remember that they were bound both financially and patriotically to the bank and that they should endeavour to secure that a larger number of accounts would be transferred to this bank.

The Deputy Minister would put the report and he wished here to pay tribute to the work done during his absence. He apologised for his absence and at the same time he felicitated the Dáil for the Deputy who took his place, and he thought his own absence was a blessing to the Dáil, though in disguise to himself.

SUBSTITUTE MINISTER FOR AGRICULTURE, A. Ó CONCHUBHAIR, said he had presented a long report to the Dáil and he did not propose to read it to them. He hoped anyone interested had read it and if any questions were raised he would be glad to answer them.

DEPUTY P. Ó MÁILLE proposed the adoption of the report.

DEPUTY D. KENT seconded. He said the report was a very valuable one and took some time to get over. As far as he saw there was a lot of matter in it which would require legislation. For instance, it might be advisable to pass in this session of the Dáil a Bill for the compulsory tillage of land to tide over the difficulties they would have to face in the coming year. They had also matters dealing with agricultural labour disputes and several other important phases in agriculture. Some people were advocating in many districts that by giving the labourer 4 or 5 acres of land and a cow it might settle the question of unemployment. He did not believe that. Any small quantity of land given to a labourer would not make him any better off than he was at present. They should give something substantial. If they found large estates on the market they would be worth buying and giving to those who had no land. That would be one way out of it.

If they decided to have compulsory tillage of land they should also set up a wages tribunal which would determine the wages of the labourer, not for one part of the year but for the whole year, because no farmer would till any great quantity of his land if he was afraid of being confronted with serious labour troubles. He saw in his own districts one of the finest harvests left for 3 or 4 weeks to rot over strikes. That should be avoided and they should get some machinery to deal with it. Instead of labourers and farmers coming together on the 25th March it should be at the 1st of the year.

There were three different classes of agriculturists in Ireland. One class who held a quantity of land suitable for tillage. Another who held some of the richest land in the country which was unsuited for tillage and which would be really a waste to till. Some members he understood seemed to know very little about what quantity or quality of land should be put under cultivation. Under the English Compulsory Tillage Act all parts of Ireland were equally subject to compulsory tillage, but they would find that on the rich lands of Limerick the crops

were not worth harvesting—and that in the richest lands in the world. The third class of agriculturists were those who lived in the Liberties and their hours of work and rates of wages should be set in a different line than the other classes. Therefore in the formation of the Wages Tribunal Board he would suggest that labour appoint one man from the Liberties and one man from the country, that the farmers appoint one representative from the Liberties and one representative from the country, and that the Dáil itself should appoint an independent chairman. This board could determine the hours of work, fair wages and land fit for tillage or not.

These were subjects which required a great deal of attention. He would give all the assistance he could if the Minister proposed to legislate. To do it now would only be panicky as they had not the necessary time at their disposal.

DEPUTY THOS. MAC [*recte* Ó] DONNCHADHA asked had Dáil Éireann any authority over the National Land Bank.

MINISTER OF AGRICULTURE replied there were three Ministers of the Cabinet on the board of the bank. In addition to that the Minister of Finance had a representative on the directorate and took the greatest interest in the work of the bank.

DEPUTY THOS. Ó DONNCHADHA explained that the reason he asked was that the members of the Dáil were connected with the other bank as well and the people down the country did not understand the difference. They had been burned before.

MINISTER OF AGRICULTURE replied he was not in a position to state anything about the People's Bank.

DEPUTY P. FAHY understood it was not advisable for the Teachtaí to state publicly that the Land Bank was closely connected with the Dáil.

MINISTER OF AGRICULTURE said it was fairly well known in Dublin Castle that it had a connection with the Dáil.

DEPUTY S. ETCHINGHAM asked if labourers had acquired any lands under the scheme. He knew that the Deputy for W. Wicklow (R. Barton) was anxious that the labourers should be provided for. He was at a conference with the Minister for Labour and the Minister for Agriculture at which men from Liberty Hall attended but nothing came of it. What they were urging was that the security of the union and the selection of the very best men was the best means for making land available for workers through the Land Bank Scheme. He did not know how that scheme had developed. He differed from the Deputy for W. [*recte* E.] Cork (D. Kent) when he said that labourers could not cultivate land.

DEPUTY D. KENT on a point of order denied that he ever said such a thing.

DEPUTY S. ETCHINGHAM said he regretted that he misunderstood the Deputy for W. [*recte* E.] Cork. Agricultural industry depended upon goodfellowship between farmers and labourers and there should be some national policy that when the land was being tilled or the harvest reaped there could be no strikes. The agricultural labourer deserved to be uplifted. He should live at least in frugal comfort. He would like to get a reply as to whether any labourers had secured land under the Department scheme or would it be possible to get trade unions to give security for purchase and to select the best men.

MINISTER FOR AGRICULTURE asked that the question be put on paper so that definite information could be given.

THE SUBSTITUTE MINISTER FOR AGRICULTURE, ART Ó CONCHUBHAIR, said he was afraid the same regrettable state of affairs was going to be manifest in the new Dáil as had been in the old—that they were not going to have any criticism or any suggestions for the improvement of their policy. As he had found those of them who were compelled to sit upon high stools here in Dublin could not know the minds of the people in the country, they had to try and assimilate things as best they could, and the opinions they had to act upon might not be very correct.

As the Deputy for West [*recte East*] Cork said there are two or three points in agriculture in Ireland at the moment which

would take a couple of days discussion in this Assembly. One was the question of unemployment and another the question of tillage both of which were so closely co-related that they could not be discussed apart.

In order to be able to guide this Assembly in the matter of food he had prepared a sort of tabulated return of the state of food in the country. He got in contact with the best informed people in the counties and to the best of his ability he had made an advanced report of what the food situation was likely to be and, let him be believed, if the war was resumed the food question would be an important one. If there was going to be peace he would say they would be all right. He would state in a few words the food position and the quantity of land tilled.

Of wheat there was a probable production of 40,000 tons. The normal production was 60,000 tons, while the total consumption was 700,000 tons; so they would be absolutely depending on imports for over 600,000 tons. Merely to take the one question of wheat the position was very serious. Potatoes would not be so bad. Oats were down considerably; but in regard to oats and potatoes they would have to take immediate steps to prevent over-export if there was going to be war. A great quantity of oats was exported every year and also a great quantity of potatoes and in addition the major portion of both oats and potatoes was fed to animals. If they were going to be driven into the position of an economic blockade and left to stew in their own juice they would want to take steps to protect what supply they had. That was why they would like Deputies to give serious attention to the tillage question. There were 100,000 men idle at the present moment in various parts of the country and these should not be flung into the cities if work could be provided for them in the country. Some people deceive themselves about the morality of interfering with land in private ownership. The nation had the first right to the land and it was his luck to fall across an unique document that was written in 1914 when England was being threatened with the same position as they were threatened now. Its author was the Bishop of Ross and he could not do better than re-quote a passage—

"Mr. Campbell suggested more than once that it was the duty of the occupier of the land to produce food, and to till the land. Now, on that point, you will pardon me for a short half-theological, half-legal disquisition. The word ownership has a very vague meaning in the minds of most men. Ownership is of a great many kinds. It may be absolute and complete, as ownership in something that you make with your own hands, and which you are at liberty to use or to destroy just as you please. That is absolute ownership. But most ownership is limited by conditions, and you are not free to destroy or abuse; you are bound to use. There are certain things in which there may be no ownership; there are other things in which there may only be a very modified ownership. It is quite clear that we cannot get ownership in the air we breathe or in the sunshine. When we come to the question of land, clearly there can be no absolute ownership in land. A man is not free to use or abuse his land, he is bound to use it. He may not destroy his land for that land was given by God for the subsistence of the people of the nation. That does not mean that every individual is to have a piece of this land; that system would not work. But it means that those who occupy the land are bound to use that land, in the first place for their own benefit, and in the next place for the benefit of the nation."

The fact remained that the great proportion of the land was not being used for the benefit of the nation.

He might say he was not in favour of compulsion. He saw the difficulties and he would prefer some other method of bringing the farmers to a proper appreciation of their duties and responsibilities, but he would say if it was found necessary for the sake of their people to bring forward a measure of compulsion he would support it. They could reach a straining point and he thought they were gradually reaching it. He did not think it necessary to go any deeper into this matter as he was merely elaborating upon some points in his report. He would be glad if every Teachta would think seriously upon the questions of tillage and unemployment.

The Deputy for East Cork (D. Kent) had made reference to some types of land suitable and unsuitable for tillage. He was convinced from his experience of some of

the best land in Ireland that the amount of land in N. Kildare or Meath that would not benefit by tillage was actually not worth talking about. The only reason why that land was not being tilled was that it was able to produce a certain amount of beef. That was a wrong policy for them to rely upon. Ireland's consideration should be their first consideration. Land produced less beef per acre than any other kind of food. In his opinion the bulk of Ireland was of such a nature that it could be improved by a touch of the plough and could be made to produce more food. He was in thorough agreement with the Deputy for E. Cork (D. Kent) when he said that labour agreements should be made to cover a long period. Great permanent damage could be done to a harvest by even a 48 hours strike and it was absolutely essential that both farmers and workers should recognise the point that the agreements should be made to last over a period when the crop might be lost. That was the difficulty. The men's leaders would say not to take away their best weapon, that they must strike when they could hit hardest. The farmer would say the same thing. He was in thorough agreement with the Deputy who said the farmer and the worker must be brought to see that they were absolutely as necessary for one another as the handle of the shovel was for the head.

It was useless for anyone here in the city to try and set up a standard that would apply to the whole country. The various members could help by trying to get the conciliation boards which were set up by the Department of Labour to consider various conditions of agricultural labour on the farms.

Another point which had been causing a lot of uneasiness and trouble was the question of tree-cutting. There was hardly a day that he had not an application from someone who had bought a wood and was prevented from cutting it by the "hard-hearted" Volunteers. There were two or three points involved and he had tried to indicate them as briefly as possible in his report. He might say that while the war was on the only authority that could say whether a wood could be cut or not was the competent military authority of the district. For peace conditions the Dáil should formulate some policy in advance. It was not fair to let a timber merchant make a contract with some firm in England say in which he had got to supply beech for spindles and when he went to cut down the woods he had bought the local people prevented him. If the Dáil made its policy in advance then the merchant went into business with his eyes open. He would be thankful if the Deputies who took an interest in forestry would forward suggestions to Mr. Barton or himself on these points so that if necessary legislation could be passed before the Dáil adjourned.

Question put and agreed.

House adjourned until 3.30 p.m.

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Dáil reassembled at 3.50 p.m.

## PUBLICITY DEPARTMENT REPORT: DISCUSSION

ACTING DIRECTOR, E. R. CHILDERS, said he was in charge of the Department since last February when Mr. Desmond Fitzgerald was arrested.

There was frequent application for the "Irish Bulletin" but they had to make it understood that the circulation was very small owing to the difficulty of production and the risks. It was mainly designed for circulation outside Ireland to influence opinion in England, America and other foreign countries. It was very difficult to get as wide a circulation for it inside Ireland as they should like to.

The only other point he would like to refer to was the close connection between his Department and the Foreign Affairs Department. The "Irish Bulletin" was sent to all their representatives abroad who supplied foreign journals or had smaller editions reproduced in connection with propaganda.

He also wished to say that he hoped that the existing difficulty was appreciated, that of fighting against control of the cables and thereby of the immediate news of all events in Ireland, which they did not possess and which was possessed by the enemy. They could not provide immediate daily news of what was going on. That went abroad from the enemy in a way that was hard to correct. To judge fairly of the work done by the Publicity Department it was necessary to bear that fundamental difference in mind.

He was ready to answer any questions that might occur to any Deputy.

DEPUTY G. GAVAN DUFFY said he had pleasure in proposing adoption of

report. He thought it was due to the Publicity Department to have a voice from abroad pay tribute to it. Those who were abroad knew better than any of the Deputies the great difficulties the Department had to contend with. The "Irish Bulletin" started as a matter of no importance and the English Press tried to make it a matter of no importance by boycotting it, but it had dealt so fairly and truthfully with the matters in review that to-day even the enemy papers quoted it readily. It was of course mainly due to the "Irish Bulletin" that foreign opinion to-day did not accept agency telegrams as being gospel. As the Director had stated the main difficulty in getting facts known abroad lay in the existence of the octopus of the big foreign agency called by different names but all run by big Jew firms in London which had complete control of the first news wires in respect to Irish affairs as they appeared on the continent. He had been given to understand that by no means was it possible to tap those poisonous wires at the source. That was one place where the enemy was in a point of vantage where they could not dislodge him. To give them one example of the difficulties the Publicity Department had to deal with, when the jury brought in their verdict after the murder of Lord Mayor MacCurtain the principal paper in Denmark purported to give the result of the inquest as follows:—that a sworn jury of Irishmen have gone into the case and they unanimously agreed that Lord Mayor MacCurtain was murdered by a section of extremists who were also sworn to murder Lloyd George and other leading British statesmen. That result appeared in the leading papers in Denmark and that was the kind of thing they had to fight. A good deal of it was malicious and a good deal was put in rather against the grain by men who received subsidies from British sources.

He would like more of their work should be done in London. He thought it should be possible to obtain within an hour of despatch a copy of the principal cables sent abroad; it was a very small ring of cables that mattered. If the Director had that in hands at once he would be in a better position to know what was the very lie he had got to contradict. He thought if that line could be further probed it would be an improvement to the service. He had great pleasure in proposing the adoption of the report and he thought it was one of the best Departments that they had and the Directors deserved the highest praise.

DEPUTY MISS MACSWINEY seconded. She would like to endorse what Deputy G. Duffy had said about the good work the Department had done.

DEPUTY M. P. COLLIVET asked had the Director good and regular communication with the different prison camps. The reason he asked was that, on the occasion of the shooting of Tom White[1] in Spike, an inquest was duly held and a verdict of murder was given. Details of that were sent out to some Department of the Dáil but they did not seem to have reached.

DEPUTY MRS. O'CALLAGHAN asked if the "Irish Bulletin" was to be taken as the official organ of the Ministry.

DEPUTY M. HAYES, B.L., asked had the Director taken any steps to attract public attention to the state of the prisoners; the 5 or 6 thousand men in the internment camps and in various prisons in England and Ireland.

DEPUTY SEÁN MILROY thought that was a most important matter. The Deputies who were released from Ballykinlar had prepared a statement for publicity and furnished it to the Department which had not yet appeared. That was unfortunate because their fellow-prisoners whom they had left behind would think they had forgotten all about them. The camp conditions required very severe comment as the conditions were anything but satisfactory. The food was atrocious, the water supply most inadequate and that defect could not be rectified. He was sorry the matter had not received publicity with greater despatch.

DEPUTY SEÁN NOLAN asked if the Director received the sworn statement about prisoners' treatment after their arrest.

DEPUTY P. McGOLDRICK said the conditions in Rath Camp were infinitely worse than anything so far described in the "Bulletin".

1. Later referred to as Pat White. The same inconsistency is found in the shorthand notes.

DEPUTY GEO. NICHOLLS thought sufficient publicity had not been given to the conditions prevailing in Kilmainham prison.

DEPUTY SEÁN HAYES said the men in Spike Island were very dissatisfied with being held in custody in view of the decision given by the English Master of the Rolls. They held a meeting before they left and they were quite determined to demand their freedom and they were willing to go to any length to obtain it. After leaving the camp he sent back word they were to take no action till they got instructions from Dublin.

DEPUTY F. FAHY suggested the men from the different camps should draw up a statement of the conditions prevailing if it had not been already done.

DIRECTOR OF PUBLICITY, DESMOND FITZGERALD, said he wished to thank the member for S. Dublin (Gavan Duffy) for the tribute he paid to the work of the Department, which was greatly assisted by their representatives abroad.

He would like to say that every day for the past two years these cables had been going round the world but notwithstanding this their position in the world was steadily improving. They had met that difficulty in every possible way. He had used every possible channel and judging by the results these other channels were not as ineffective as one would think.

Last year he proposed starting a bureau in London but certain difficulties cropped up.

He complained of the difficulty of getting news from parts of Ireland. He circularised all the Teachtaí and members of the public boards for information as to arrests, etc. He only got two replies.

The Ballykinlar men did certainly make a report and that report was in to-day's "Bulletin". If the Teachtaí would send in their prepared reports to him with a minimum delay he might possibly be able to do something. Another thing more important is the correctness of statements. For instance one man stated that the huts in Rath Camp were made for 25 men but they have printed on them "Capacity 30 men". Any information should be correct and should stand investigation afterwards. Information was no good unless detailed and accurate.

DEPUTY M. P. COLLIVET said his question re the statement about the inquest on Pat White[1] was not answered.

DEPUTY E. CHILDERS asked for written notice of the question. He regretted the delay in publishing the Ballykinlar statement but it was due to the national situation. The statements referred to by Deputy O'Nolan [*recte* Nolan] were received and published. Other camps, Rath and Spike, had already been dealt with in issues of the "Bulletin" which appeared some weeks ago.

Question put and agreed.

## MOTION RE ALTERATION OF CONSTITUTION

MINISTER FOR DEFENCE, C. BRUGHA, presented a motion for alteration of the Constitution in following terms:

The Ministry shall consist of the President of the Republic who shall also be Prime Minister and be elected by Dáil Éireann, and not more than nine Executive officers including:—

A Secretary of Foreign Affairs
A Secretary of Home Affairs
A Secretary of National Defence
A Secretary of Finance

each of whom the President shall nominate and have power to dismiss.

I shall propose at the next meeting of An Dáil that clause (b), Article 2, of Constitution shall read as above.

*Signed* CATHAL BRUGHA
20/7/21.

He said they understood it was necessary to improve it. He formally proposed its adoption.

P. Ó MÁILLE seconded.

PRESIDENT said they had found this proposal necessary from experience. The point about "President of the Republic" was very important. Though the office had been accepted it had never been constitutionally created. As a matter of fact the

1. Previously referred to as Tom White.

President was President not of the Republic but of the Ministry of Dáil Eireann. He was not talking so much to that point as to the question of the Cabinet. The old Cabinet representing 11 Departments was altogether too large. He believed even in peace times work could be best done by an executive body of small numbers. He was anxious to secure an executive called a Cabinet consisting of the President and six Secretaries of State, those four that are mentioned on the paper, and two others, Local Government and a Secretary responsible for Economic Affairs whose work would be to combine Agriculture, Trade, Fisheries and Labour Departments and be answerable to the Cabinet for their responsibilities. They would need outside that executive separate heads for Agriculture, Publicity, Trade and so on, who would be extra-Cabinet Ministers.

MINISTER FOR DEFENCE agreed to alter his motion to read six Secretaries of State.

PRESIDENT said what he wanted to get was that certain unnecessary Departments should not be inside the Cabinet and that the Cabinet should consist of the President and not more than nine Secretaries of State who would be collectively responsible to the House. The other heads of Departments would be responsible to the Cabinet and to the House.

P. J. WARD asked was this the old Constitution.

PRESIDENT said this was the original Constitution, but when he came from Lincoln he wanted to have a large Cabinet. They were working under peace conditions then. Now they had experience of working those minor Departments and they found they could group them together under one head.

MR. GAVAN DUFFY said he wished to enter a protest against the dual position of the President under this change: he would be President of the Republic and Prime Minister as well. No member of the Dáil pretended he was elected to elect a President of the Republic. It was a dangerous precedent to establish that your President of the Republic should also be President of the Ministry and one it might be very hard to change. He suggested to the mover of the motion he would attain his object by leaving things as they were. The making of this alteration would probably advertise the fact that they had a President of the Republic when they had not. He asked the Minister for Defence to withdraw so much of his motion.

MINISTER FOR DEFENCE replied that he had no objection to withdrawing it if he was shown a good reason for so doing but the member for S. Dublin (G. Duffy) did not state any good reason.

PRESIDENT said he was fully alive to the point that this was the original Constitution of this body and therefore bringing in a question which affected the constitution of the country. Why the matter came up now was that the title had been referred to when formal documents had to be signed; when he had to state when and where and how he was made President he found that no such officer had been created. If they could turn it round stating "the President who was, until a Constitution be brought up, to act as President of the Republic."

MINISTER FOR DEFENCE said he did not think that necessary at all. Under present conditions they were all one body here. When the Republic was recognised they certainly would have two bodies in the Dáil. That being so and seeing that they were supposed to have a President and according to this thing which passed as a Constitution but in reality was not a Constitution they had not a President, he was merely trying to improve this Constitution. When the Republic was recognised they would draw up a regular Constitution. From what he saw under the powers given to them they were entitled to elect a President.

DEPUTY S. T. Ó CEALLAIGH said he was one of the Members responsible for drawing up this Constitution which was all done in a hurry for the first Dáil. There was no time for the necessary consideration to be given to it. The fact that the Minister for Defence was trying to rectify an error in it was to his credit. The Constitution was only provisional and this proposed amendment was also only provisional and would not constitute a precedent.

He agreed with the member for South Dublin (Gavan Duffy) that the President

of the Republic should not be President of the House. He thought they might let it pass on the understanding that it did not create a precedent and it was not to entitle the President, whoever he might be, to claim it afterwards as an established precedent.

PRESIDENT said a suggestion had been made to him which might get over the difficulty. It was "that the Ministry shall consist of the President who shall also be Prime Minister".

DEPUTY JOS. McBRIDE suggested that the Minister for Agriculture and other Ministers outside the Cabinet should be described as Under-Secretaries.

DR. FERRAN said the wording of the motion should be altered to include two extra Secretaries of State—Secretary of Local Government and Secretary of Economic Affairs as agreed to.

SPEAKER said he would then put the motion, as amended by the mover, and seconded, leaving out the words "of the Republic" and including Sec. of Local Government and Sec. of Economic Affairs.

PRESIDENT said they would have to get some term to cover the "Ministry". If the Dáil passed the principle, the Cabinet would be able to get some term that would cover extra-Cabinet Ministers.

DEPUTY MRS. O'CALLAGHAN regretted that the only woman member of the Cabinet would not be given Cabinet rank in the new arrangement.

D. KENT said he was not satisfied with the wording. They were here since 1916 as a Republican Government and he suggested the word "of the Republic" be left in after "President".

PRESIDENT said somebody suggested "State Executive" instead of Ministry. He considered that was a good phrase. The Ministers outside the Cabinet would be regarded as Directors so that the Secretaries of State are the Executive Officers and the Secretaries without "State" would be the extra-Ministers.

GAVAN DUFFY pointed out the drawback in that was that the executive power was still vested in the Ministers.

PRESIDENT said that could be overcome if "State Executive" was put wherever they had Ministry in the past.

P. J. WARD asked was a Vice-President included in the Cabinet.

PRESIDENT said there was no Vice-President. It was passed that the Cabinet Ministers would nominate somebody to replace the President in case he was not available. That was a war measure. It was referred to under paragraph "G" in the Constitution.

A. GRIFFITH explained his position was that he was Secretary for Home Affairs when the President went to America. He (Mr. Griffith) was nominated to replace the President in his absence and when Mr. Stack came out of jail he asked him to take up the work of Home Affairs Department.

PRESIDENT proposed if the Dáil passed the principle of the motion, viz. that the Cabinet consists of the President who shall be Prime Minister and a certain number of Secretaries of State, a certain Executive, call it what they liked, that that would be the body that would have collective responsibility. There would be Ministers outside that body that would not have collective responsibility.

MISS MacSWINEY agreed with Mrs. O'Callaghan that it was regrettable the one lady member of the Cabinet should be put out, and it was creating a precedent. She suggested the formation of a war Cabinet of six.

PRESIDENT explained this was an attempt to group a number of economic Departments together. They had certain things to discuss together and they wanted one person who would co-ordinate these and be responsible to the Cabinet. It was an attempt to work with a smaller number of Cabinet Ministers.

MINISTER FOR DEFENCE remarked no one knew yet who was going to be on the new Cabinet. It might be all ladies (laughter).

Motion as amended put and agreed subject to amendment of the wording by the Ministry and resubmission to the Dáil for approval.

## STATEMENT BY PRESIDENT

THE PRESIDENT: The next items on the agenda are the election of President and the formation of a new Ministry. Now we were anxious to have those elections in public rather than in private and I think on the whole it was better it should be so. The nominees could be consulted in advance. The advantage lies now in publicity and I think we should leave to the public session the work of election. I therefore take this opportunity of making a statement to the Dáil which I could not make in public. I believe that it is likely that I would again be nominated for Presidency at the public session on Friday. I have explained to you definitely my position which is always this that I have one allegiance only to the people of Ireland and that is to do the best we can for the people of Ireland as we conceive it. If you propose me I want you all to understand that you propose me understanding that that will be my attitude; that any questions that we have to discuss that I will discuss them from the point of view absolutely of what I consider the people of Ireland want and what I consider is best from their point of view.

I would take office therefore only on that understanding to bring our proposal before you constitutionally and as one who was ready to stand on a principle of the Cabinet on the policy brought forward and to fall on it also.

I would not like therefore that anyone should propose me for election as President who would think I had my mind definitely made up on any situation that may arise. I keep myself free to consider each question as it arises. I never bind myself in any other way. I do not think it possible for anyone to do so if in advance he binds himself to one point of view. I therefore want you to know that, as I think this is the proper place to say it to you. In office up to the present I have done my best on that understanding and it is on that understanding I will continue.

The only thing that would be possible then, if you would wish in any way to discuss the matter I have raised I am willing that it should be discussed. But if you have no desire to go any further in the matter, and the question of election in private, I think it would be better to have it in public. Of course if the President is elected in public it is right he should nominate the Ministers in public and that they should be ratified in public.

The only other business is the Ministerial motions. So the only thing, if you don't wish to pursue the matter I have raised in connection with motion for election of President, I would propose the adjournment.

G. GAVAN DUFFY asked were they going to meet again in private.

THE MINISTER FOR HOME AFFAIRS said he would like to draw attention to the fact that he intended to bring in two important motions. One in connection with the decentralization proposal made a few days ago. It would not exactly be a ministerial proposal but it would be from the sub-committee of the whole House. There could be a general discussion on it and they could see if it could be improved.

The second motion was more or less in the nature of a Defence of the Realm Act and it would be for the House to decide whether it would be necessary or not. He thought it well to give the House notice of these. They could not be discussed before Thursday and the draft proposals would be in their hand to-morrow if they called here at 3.30 p.m.

DR. FERRAN said in view of the President's statement and in view of the statements made here yesterday he should confess it seemed something like a bombshell to the members from the North. He thought it desirable that the House should have an opportunity of presenting its views to the Ministry upon the situation and its obligations. They all realised the extremely difficult position, but he was perfectly certain it was desirable they should know how they stood as members of the Dáil. It would be better to have as frank and as free a discussion as they could upon the general situation at a very early date.

THE PRESIDENT: I do not know it would serve any particular good purpose. Everybody understands the situation. It is a question of what recommendations we would have to make to this House as Ministers. Of course it is possible we may have to make no recommendations but the one. But what I want to be understood in my own regard was that I shall act as

President simply as the head of a government of any country would act.

That I would act as head of an established government would act and that I can act in no other way. I cannot accept the responsibilities of the office if it is not understood that I can act as the head of any government in any country would act. Those who have the fortunes of the country in their hands for the moment have taken certain obligations on themselves to look after the public interests to the best of their ability. If their view at any particular moment does not commend itself to the House they are turned out of office and a new Ministry appointed. You can do that without going to the country. You are fortunate in that respect. You can put in another Ministry who would take responsibility for the obligations you want to put on them. You will have to have a Ministry that fully believes absolutely that the policy which it commends is the policy which it thinks best for the nation it represents. It is impossible to fulfil duty properly if they were not themselves fully convinced that the line of action they were taking is the best line of action. That will be and must be.

In other words I am no longer to be looked on as a party leader. I am representing the nation and I shall represent the whole nation if I am elected to office and I shall not be bound by any section whatever of the nation. I shall act for the best interests of the nation and our proposals will be properly put before you. You will have your right to turn down these proposals if they do not suit you and to put in another Ministry to carry out your obligations.

I am only doing that in case the present moment brings up anything of the kind. But I am doing it because I think it is right and I want to look into the future as far as I can. I am not looking into the immediate future, but the future may develop things and it may be necessary for us as the government of the country to make proposals which may not possibly commend themselves to the whole House. In critical times a position may arise in which we may not be unanimous and I want it understood if this House devolves the position of President on me my attitude will be that of the head of any government in a country who will have to do the best for the country.

J. J. WALSH pointed out that any division at present would be disastrous to the country. The President said in the event of negotiations materialising and in the event of certain proposals put forward by his Cabinet he said this House could turn out the Ministry.

He feared in the present situation such an action would be capable of grave misrepresentation. He asked the President today to give him an opportunity of mentioning one matter which was agitating the minds of some of the members. Ordinary members like himself were entitled to form their own opinions, and on that point he always felt satisfied he was here to express his opinions.

He asked the President did he understand him to say yesterday that in the event of peace negotiations that he (the President), and he supposed he was talking for the collective opinion of the Cabinet, is prepared to consider such a proposal as would amount to a voting out of any county or part of a province of this country from the free state. There were diverse opinions regarding the interpretation of the President's answer.

THE PRESIDENT: What I should like to answer to all such questions is this, that I do not feel myself bound not to consider anything. I feel myself open to consider everything that comes the way and it is that I do not want to be fettered in any way and I will not accept this office if you fetter me in any way whatever. Further than that I will not consider anything. I will take the situation as anyone who is appointed to do—see what is the best and then come to you with the best recommendations we can make.

Now I know quite well what an awkward thing it would be to turn out a Ministry at such a time. I realise that, but there is no other way in which we can handle the situation. Some of us are quite ready to be sacrificed if this has to be done.

I cannot accept office except on the understanding that no road is barred, that we shall be free to consider every method. For example, the question of voting out of counties or provinces. That would be a way, if that came up, a way in which a certain result could be obtained. I would be ready to consider that. We should be able to give our reasons. If we are not able to stand on these proposals by the reasons we give, then turn us out. But we must be

free to consider and above suspicion to deal with every situation that arises.

Now as regards plenipotentiaries if Lloyd George's reply is not going to mean a termination of the Truce, and that they say we are ready to meet you, I will ask you to appoint plenipotentiaries for negotiating peace.

I prefer to say this in private—I do not want and will not be a member of the particular body that would negotiate peace. I do not [want] to be one of the plenipotentiaries. The one chief reason I had in going myself to these preliminary negotiations I saw it gave me a definite opportunity to bring Ireland's case before the world.

I can stay at home where I will be more valuable and it will be quite evident to the public the reason I do not want to be one of them is that the duties at home require my attention. If negotiations take place and if I can have my way in that respect, it will be that others, members of this House, would be the body who would be deputed by this House to negotiate peace. That is the position before you, that you will have plenipotentiaries appointed and they would go as plenipotentiaries on the basis of a certain principle to negotiate peace. They would come back, be in touch with the Cabinet and their proposals would be brought before this House finally. The Minister [*recte* Ministry] then would have a policy and the Ministry would take a definite attitude before the House in respect to them.

It is obvious that whenever there are negotiations, unless you are able to dictate terms you will have differences. Therefore it is obvious you will have sharp differences. The policy of the Ministry will be that which they consider would be best for the country. The Ministry itself may not be able to agree and in such a case the majority would rule. Those who would disagree with me would resign. But I am looking at the worst possible thing that could happen, that if the plenipotentiaries go to negotiate a treaty or a peace, seeing that we are not in the position that we can dictate the terms, we will, therefore, have proposals brought back which cannot satisfy everybody, and will not, and my position is that when such a time comes I will be in a position, having discussed the matter with the Cabinet, to come forward with such proposals as we think wise and right. It will be then for you either to accept the recommendations of the Ministry or reject them. If you reject them you then elect a new Ministry. You would then be creating a definite active opposition.

I anticipate there will be differences of opinion in that case and I anticipate there is a possibility of non-agreement. Therefore I want you to understand I have not my mind made up as to anything. I have kept my mind in a fluid state as long as I am in a responsible position to the country and it is only on that basis that I can accept office.

I propose now we adjourn till Thursday. The Ministry have a certain amount of work to do. We will have to finish all the private matter on Thursday.

P. Ó MAILLE said it would be right for the arrangements committee to meet.

THE PRESIDENT said it should meet to-morrow and make arrangements for the public session on Friday. Before the House adjourned he said he would like to explain that the statements he had to make like this created a lot of misgivings, but he was simply taking ordinary precautions and he wanted to indicate that in voting for him they were voting for a person who is going to act as the head of a government fully established and fully recognised would act and in no sense whatever as a party leader.

Motion for adjournment till Thursday at 11 a.m. then put and carried.

D'éirigh an Dáil ar 6 p.m.

# DÁIL ÉIREANN

Private Session

Thursday, August 25th, 1921

Dáil assembled in the Oak Room, Mansion Room [*recte* House], Dublin.

SPEAKER took the Chair at 11.15 a.m. and declared the Dáil in session.

## MOTION RE ALTERATION OF CONSTITUTION[1]

PRESIDENT, in accordance with promise given at last meeting that he would have in form the amendment to the Constitution, presented the draft alteration and said he thought it would meet with the approval of the Dáil.

MINISTER FOR AGRICULTURE, ART Ó CONCHUBHAIR,[2] asked that the draft should be typed and circulated to every Teachta before it was adopted as it was a very important matter.

PRESIDENT agreed to this and motion was postponed till typed copies would be circulated.

## ALTERATION OF MINISTRY OF IRISH TO MINISTRY OF EDUCATION

PRESIDENT proposed that the Ministry of Irish be changed to one of Education. The question of education was an important one and of course Irish would be an important part of it. It was obvious the Minister in charge should be capable of dealing with the part referring to Irish but he thought the Department should have a wider meaning than at present.

LIAM DE RÓISTE seconded.

Question put; agreed.

## MOTION RE MINISTRY OF FINE ARTS

PRESIDENT proposed that a Ministry of Fine Arts should be set up. It was very important, he said, that the constructive work of their Government in literature and arts should get attention. It gave the appearance of stability and progressiveness to their affairs if they set up a Ministry of Fine Arts. Education and arts might be grouped together but he thought that it was advisable to show we were interested in these sciences and to emphasise it by creating a separate Department.

MRS. CLARKE seconded.

Question put and agreed.

## MINISTERIAL POWERS (DELEGATION) DECREE[3]

MINISTER FOR HOME AFFAIRS proposed the adoption of the Ministerial Powers (Delegation) Decree (Appendix 2). He said he would welcome any suggestions to improve it.

DEPUTY A. MACCABE (Member for Sligo) seconded. He thought the suggested changes were well worthy of the support of the House. He thought the powers should be delegated to the popularly elected co. councils and that the rest should be done by suggestion and by inspiration.

DEPUTY S. FITZGERALD asked if Deputies of the Dáil would be on those committees to which would be delegated

1. See Appendix 1.
2. Art Ó Conchubhair was described on 23 August 1921 as Substitute Minister for Agriculture. Robert Barton was Minister for Agriculture. In the new ministry appointed on 26 August 1921 Art O'Connor became Minister for Agriculture.
3. See Appendix 2.

the powers. If so, it would be an anomalous position. They could assist in an advisory capacity. He asked for an explanation of the points giving those committees power to appoint any officers required or to delegate their powers to persons approved of by county or borough councils.

DEPUTY DONAL O'CALLAGHAN asked would the police come under local control. He strongly advocated that the police control should be centered in the local authorities of each district as was the rule in English districts.

DEPUTY M. P. COLLIVET asked would residence in a district qualify a Teachta to be a member of a committee.

PRESIDENT replied he should represent as well as reside in a district.

DEPUTY GAVAN DUFFY said this was the most drastic order ever presented to the Dáil. The Ministers of the Departments mentioned could delegate most extensive powers to committees in the country without any check on the proper exercise of those powers. He thought it was necessary to tone up clause 1. It was far more drastic than the English D.O.R.A. He suggested that all orders issued by Ministers under this Decree should be subject to Cabinet sanction. He asked how the Minister of a Department was going to exercise control over these numerous committees.

P. J. RUTTLEDGE maintained that the proposed committee would be somewhat unwieldy. Members would be spread over a wide area and it would be hard to get them together to administer. He suggested they would amalgamate three or four of those Departments or that they would confine the committee to the Ministers that would be appointed. He disagreed with the member for S. Dublin (G. Gavan Duffy) that the proposal was too drastic. He presumed every precaution would be taken to appoint the best men and that the appointments would be subject to the approval of the Minister in Dublin. Clause 5 proposed to give certain matters into the charge of the chairman which he did not think was right.

MINISTER FOR HOME AFFAIRS said that was put in at the suggestion of one of the Deputies for Donegal who pointed out it would be difficult to bring a Unionist member of a council on the committee.

S. MACENTEE asked the Dáil to realise that they were now about, through their Ministers, to delegate to the nation all the powers of administration they possessed to committees some of which could not be made in any way responsible to it.

PRESIDENT said it was duties, not powers, that would be delegated. They simply wanted to have a local machinery for carrying out the duties of administration.

MINISTER FOR HOME AFFAIRS proposed they would take the discussion of the Decree clause by clause.

SPEAKER said he thought it would be well to have the proposal made that the principle be adopted as a whole.

MINISTER FOR HOME AFFAIRS then proposed that the general principle of the Bill be approved and then that they consider the matter as if in committee, clause by clause.

P. BRENNAN asked how did the Decree interfere with the existing powers of the county councils.

MINISTER FOR HOME AFFAIRS said it would not limit or restrict the power of co. councils in any way.

SÉAMUS DOLAN seconded the proposal made by the Minister for Home Affairs.

After a further very lengthy discussion the President said all they wanted to get could be got in 5 or 6 lines and the proposer of the Bill was quite ready to agree to this "that the Cabinet be empowered to set up local administrative committees to whom it may delegate such administrative powers and duties as it thinks fit".

LIAM DE RÓISTE said they would not accept any committees to boss co. councils already in force.

PRESIDENT replied that the local committees set up would act as local inspectors or supervisors acting on behalf

of the Cabinet. They wanted to have local supervision of administration, they could not manage otherwise. They could make their recommendations but as councils differed, different methods would have to be resorted to.

Motion withdrawn.

DAVID KENT moved "That the Cabinet be empowered to set up local administrative committees to whom it may delegate such administrative powers and duties as it thinks fit."

M. P. COLLIVET seconded.

Ceist curtha agus aontuithe.

## MOTION RE PROVISIONAL ORDERS DECREE

MINISTER FOR HOME AFFAIRS presented the following motion[1] re Provisional Orders Decree. He said it was on all fours with the Defence of the Realm Act passed by the British government during the great European war and as European powers considered such acts necessary for their protection he considered this Decree necessary for Ireland's protection.

All the members realized it would be extremely difficult for the Dáil to meet again if hostilities were resumed and it was with a view to invest the Cabinet with powers to legislate pending meetings of the Dáil that this Decree was introduced. He proposed adoption of the Decree.

DONAL O'CALLAGHAN seconded.

LIAM DE RÓISTE supposed they were to understand those orders were not to be issued without Cabinet approval.

M. P. COLLIVET supported the principle of the Decree but he asked if some means could not be devised by which those orders could be submitted to the Dáil members individually, if the Dáil was unable to meet, and get some expression of opinion, otherwise they might be enforcing regulations against the will of the Dáil.

PRESIDENT said that brought up a big question—that provision should be made that a body other than the Ministry should meet, one-third or one-fourth of this House. The Cabinet had that in mind before and he certainly thought there should be some regulation delegating the powers of the Dáil and supervision of the Ministry to some committee of the House. A number of schemes were proposed but there was no unanimity about them. His idea was that the members of each constituency should select one of their number to represent them in a committee of the whole House with legislative powers to meet in time of stress. He believed they could not make arrangements for anything over 30 to meet at a time. But as long as the members were sufficient to outvote the Ministry he considered it satisfactory enough. A provision of that kind would have to be made, but he did not think anything could be done with this particular order at present except as it stood.

Ceist curtha agus aontuithe.

## MOTION AS TO FORMATION OF GRAND COMMITTEE OF THE DÁIL

PRESIDENT proposed that to provide for occasions when the Dáil could not meet as a Dáil a Grand Committee of the Dáil be formed by each constituency selecting one of its members to represent them in the Dáil.

There were, he said, about 40 constituencies and if they had 40 persons in addition to the Ministry they would have a body which would keep a check on the Cabinet. If the House was willing to delegate to a committee consisting of one member from each constituency instead of the number at present it would enable them to carry on in times of distress.

MINISTER FOR LOCAL GOVERNMENT, L. COSGRAVE, seconded.

P. J. BYRNE asked if the members for each constituency were to meet and select one of their number.

PRESIDENT replied, exactly. His idea was to have one member representing each constituency and they could make any arrangement they liked as to whether they should have a permanent representative or chose one for each meeting.

1. Not entered in the record. The decree is printed in Appendix 3.

LIAM DE RÓISTE asked would the representative carry the voting power of his group.

PRESIDENT said he would be inclined to have one representative, one vote.

S. FITZGERALD (Cork) pointed out that in Co. Cork the eastern constituency had eight members while the western one had only three and it would be unfair to the eastern group to give them only one representative.

M. P. COLLIVET suggested that a meeting of this committee should not be taken as a meeting of the Dáil but that their decisions should be ratified by the Dáil.

PRESIDENT said the member's for Limerick (M. P. Collivet) suggestion meant the committee would meet only in a consultative capacity. That would not be exactly sufficient for their purpose. His idea was that the committee should have legislative powers. He did not see how a body the size of the Dáil was going to meet in any place during war times. They would require no powers to bring a consultative committee together. The point was, was the Dáil willing to delegate its own powers to this proposed committee.

SEÁN MILROY thought it was an extraordinary suggestion to ask members of this Dáil to extinguish themselves. He was not convinced that this was the wisest way to provide for smaller meetings of the Dáil.

LIAM DE RÓISTE (Member for Cork) said it was not necessary at all. Stress of circumstances in the past forced the Ministry to do things which the Dáil as a Dáil did not like. The Ministry now had powers to deal with any circumstances that occurred.

MINISTER FOR LABOUR, COUNTESS MARKIEVICZ, said she would like to support that view. The members chosen might not be able to get to Dublin at all.

PRESIDENT said it would save discussion if he made it clear what he had in view. He was trying to prevent them from effacing themselves altogether. Supposing the Dáil could not meet for four or five months it would be a satisfaction to five or six of them who would be here in Dublin taking these powers to feel that they had at least a body that could outvote them. So they were looking for a check committee of the Dáil, but at the same time such a committee would be of little use unless it had the legislative powers of the Dáil. If the House would not accept this proposal the only other thing that could be done was to risk calling the full meetings of the Dáil which would endanger the whole administration or else go on without meetings and risk getting out of touch with the country which might very well happen.

S. MACENTEE supported the President's motion.

GAVAN DUFFY thought the proposal ought to be looked upon with the greatest suspicion. He was prepared to support the motion subject to modification. It meant the Ministry would do what they liked and the Dáil would not be able to stop them. Naturally the Ministry would come to the next meeting with a substantial block of members behind them. One thing he objected to was that the next actual meeting of the Dáil should be forbidden to go into the last business. He thought the President should agree to have the committee consultative.

J. J. WALSH strongly supported the proposal. All the members had a sporting chance of having an opportunity of keeping in touch with affairs.

Dáil adjourned on motion of President till 4 p.m.

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Dáil resumed business at 4.15 p.m.

PRESIDENT said he would like the members to know that he proposed the motion to form a Grand Committee simply for a discussion. He was not pleased with the proposal because he was afraid any arrangement they could make would be unsatisfactory. He was not bringing it up as a Ministerial proposition at all. If they would not accept some such proposal as this to put a standing committee to revise and criticise the work of the Ministry they would have to let the Ministry work without any supervision at all. The machinery for setting up such a standing committee

was for them to form. The larger the area from which members would be selected the better.

SEÁN MILROY said he saw plainly the necessity for it, but to keep in accordance with its constituencies it should be kept on the basis of a committee and he had drafted this motion:

"That a Grand Committee of An Dáil comprised of 10 members for Munster, 10 members for Leinster, 10 members for Connaught and 10 members for Ulster be formed."

PRESIDENT said he would be quite willing to withdraw his proposal in favour of that if they would make it say about eight members per province.

Original motion withdrawn.

S. DWYER seconded Seán Milroy's proposal.

JOS. McGUINNESS thought the Ministry should be empowered to go on and when they saw any necessity for advice they should call on the members nearest them.

JOS. MacDONAGH was opposed to giving any legislative power to such a proposed committee.

DAVID KENT was in favour of the President's proposal.

GAVAN DUFFY proposed an amendment to add "that all the decisions of the committee of the Dáil so constituted shall have effect only until the next meeting of the Dáil."

PRESIDENT accepted this amendment but said to meet the question of proportion he was trying to find out the members for each province. Connaught would be 7, Munster 10, Leinster 11, Ulster 2 according to present proportions. That would give 30. Would the member who proposed some numbers accept that?

SEÁN MILROY replied, certainly, he would accept those figures.

SEÁN MacENTEE proposed that the representation of this Grand Committee be by constituency and that each constituency would be entitled to have one member on the Grand Committee.

P. J. BYRNE seconded the amendment proposed by the member for S. Dublin (Gavan Duffy).

SPEAKER said it had been accepted.

M. P. COLLIVET said that meant all decisions had to be brought up at next meeting of the Dáil.

SPEAKER replied, yes, and said Mr. MacEntee's proposal dropped as it was not seconded.

He then put the motion: "In addition to the Ministry that a Grand Committee of the Dáil composed of 10 members from Munster, 11 members from Leinster, 3 from Ulster and 7 from Connaught selected by the members of each province may be called together to act for the Dáil at such times as is not possible for the Dáil to meet as a whole provided that all decisions of the committee so constituted shall have effect only to the next meeting of the Dáil".

P. J. BYRNE asked would that be a permanent body for the whole period of the war.

PRESIDENT said that would be for the provinces to decide.

Ceist curtha agus aontuithe.

PRESIDENT suggested it would be well to get the representatives of the provinces to elect the members for this Grand Committee before they separated.

It was then agreed to make the selection on Friday after the election of the Ministers.

## MOTION RE AMENDMENT OF THE CONSTITUTION[1]

PRESIDENT said that as typed copies of the proposed amendment to the Constitution were now circulated amongst the members he would put forward the motion for adoption. They would notice

1. See Appendix 1.

one thing which was not in it but which they would understand, that when the members of the Dáil were appointed to any position at the head of a Department or other position that their appointment was brought up for ratification by the Dáil as a whole.

There was also an alteration, merely dates, in the matter of Finance making the periods for winding up accounts 31st December and 1st [*recte* 30th] June.

MINISTER FOR HOME AFFAIRS, A. STACK, seconded.

SPEAKER said he supposed they could take all this together as all points were fully discussed and agreed upon before.

Motion put and agreed.

## DEPARTMENT OF FINANCE VOTE FOR DEPARTMENTAL ESTIMATES

MINISTER FOR FINANCE said they would find on page four of his report a note of the estimates of the Departments for the coming half-year. He thought there had been decisions which would increase these estimates. Arising out of his own report there was a decision which would increase his estimate by £250.

The Directors of the other Departments had better speak to their own estimates before they were taken in case there would be any increases. In the Local Government Department the figure of £110,040 was somewhat misleading. In that figure there was included an old amount of £100,000 loans to public bodies. That £100,000 was already provided for and it could not be included in this estimate as it was already passed by the Dáil, so the effective estimate for this Department was £10,040.

To these estimates they should add he thought £20,000 for contingencies and any such amounts as required for the new Ministry of Arts could come out of that fund. He said he had details of each estimate and, if any member wished to ask a question, he could give details.

DEPUTY JOS. McGUINNESS asked was there any committee for examining these estimates. He thought it well there should be some such committee in being to guarantee to the Dáil that the money was being well spent.

MINISTER OF FINANCE said this was the first time estimates came before the House without being examined by the Ministry. The estimates were always based on the expenditure of the previous half-year. The figures were checked in the Finance Department. So far as he was concerned he thought some of them should be cut down. Any committee that would go into these figures would not have the necessary knowledge of the working of the various Departments to do so. More information could be obtained here, he thought, by questions on the various Departmental reports than could be elicited by any committee going into the estimates. He would welcome such a committee.

SPEAKER then called upon the Ministers to speak to their various estimates.

## ESTIMATE FOR FISHERIES DEPARTMENT

DIRECTOR OF FISHERIES, said his estimate £650 was very small as it was only for organising the existing markets and trying to establish new ones. He should like the amount increased by £50 for the Killarney inquiry.

## ESTIMATE FOR DEPARTMENT OF IRISH

MINISTER FOR IRISH said he had nothing to add to what was in his report. The amount was £8,800.

GEARÓID O' SULLIVAN asked how was it possible to spend £8,800 in this Department last half-year. He was not satisfied that full value was got specially as another organisation existed which did the same work or went on parallel lines, the Gaelic League.

ASST. MINISTER FOR IRISH, F. FAHY, said there must be some mistake with regard to the amount spent by his Department. There was £10,000 voted for the year and £2,000 voted for literature, which was roughly £6,000 for the half-year. Amount expended for the half-year was £2,800. If the Department was to be carried into a Department of Education they would want more. They would want several commissions of inquiry into education in

Ireland. He considered such commissions of vital importance.

G. O'SULLIVAN said he got no reply to his query as to what the £8,800 for the current half-year was to be spent on.

F. FAHY replied that there were competitions for primary and intermediate schools that properly come into the first half-year and which could not be paid as the competitions were not over and therefore expenditure which should have come in the first half-year was to be carried into the second half-year.

COUNTESS MARKIEVICZ said she hoped something would be done towards getting out a really competent Irish grammar.

## FINANCE DEPARTMENT ESTIMATE

MINISTER FOR FINANCE said the major part of the estimate for £7,300 belonged to the New York Office. It included a provision for staff to work the new loan. Here at home there were other items in the estimate really not connected with Finance Department, such as Trustees' Secretary, Accountant General and Assistant. These accounted for salaries £943. Finance Department itself cost £700 and Minister's salary £250.

L. DE RÓISTE asked for particulars of the staff engaged in the offices.

JOS. McGUINNESS asked would it be possible to have the scrip for the loan already subscribed issued before the new loan was started; there were a number of questions lately as to when this scrip would be available.

MINISTER FOR FINANCE replied that with regard to the scrip for the loan it was found impossible to get it printed in Ireland. There was an objection to getting it done elsewhere. Moreover there were no names of subscribers supplied yet for a large proportion of the loan.

In reply to the Deputy for Cork (L. de Róiste) he said there was provision made for staff work £650, work connected with other Departments and outside activities, salaries £943. Payment of Minister £250. Stationery £150. Rent, etc., £257. Contingencies, etc. £500. Of course if there was a new loan floated that would not be one-twentieth of what would be required. The sub-department of New York had been put down as £4,300 but that was only very tentative.

L. DE RÓISTE thought it desirable the Deputies should get a list of the number of persons employed by the Dáil and the range of salaries.

MINISTER FOR FINANCE said that information was available from his books and could be had on application.

## ESTIMATE FOR TRUSTEES DEPARTMENT

MINISTER FOR FINANCE said total estimate was £1,750, viz., one paid official £250 and provision for the U.S. department £1,500.

## ESTIMATE FOR AGRICULTURAL AND FORESTRY DEPARTMENT

MINISTER FOR AGRICULTURE, A. O'CONNOR,[1] said his estimate was for £6,800. If war conditions developed he might have to ask for more in connection with food conservation and distribution if the Dáil approved of funds being made available for such purposes. The ordinary estimate was down to bed-rock. Details were as follows: Department was divided into two sections Land and Agriculture. On the Land side there were two Commissioners at a salary of £700 each; one occasional Commissioner who acted when required, one clerk at £330 and a typist at £3 per week, office rent £80 per year. The Registrar was in jail and was receiving two-thirds of his salary of £330 per annum. Local Registrars were paid according to the court held for which he put down £100 provisionally and he put down £500 provisionally for two organisers.

With respect to agriculture, as the Deputies knew, the Dáil had not interfered with the enemy Department of Agriculture. There were many and long discussions on the matter last year and it was decided they would not interfere, allowing

1. Art O'Connor was described as Substitute Minister for Agriculture on 23 August 1921. Robert Barton was Minister for Agriculture. In the new ministry appointed 26 August 1921 Art O'Connor became Minister for Agriculture.

it to continue to do the agricultural work so long as it did not conflict with them, with the result that he had merely endeavoured to shape the policy of the co. committees of agriculture and to direct the work of the enemy Department from without rather than from within and he had been fairly successful. The estimate provided for a clerk £170, a typist £80, inspector £400, for possible agricultural development £1,000 to allow of an inspector to operate in connection with land development on the estates the Land Bank had made advances for. For Forestry he had put down £1,000. That was to enable the organisation of an Arbour Day and to have money available to get things going. In 1919 it was found possible to organise an Arbour Day for £90. Rent of office, etc., £150. These were all provisional and might not be required. Minister's allowance and expenses £250.

The total amount of his estimate was £6,800 which would he thought be sufficient under the present conditions of half-peace, half-war, but if war was forced upon them he thought the Dáil would have to make large sums available for the conservation and distribution of food. If they did not somebody would have to do it.

## ESTIMATE FOR HOME AFFAIRS DEPARTMENT

MINISTER FOR HOME AFFAIRS said his estimate was for £13,150 which was made up as follows: office staff £1,200, circuit judges £2,000, judges travelling expenses £300. Organisers £2,500, which would be in connection with an increased staff of organisers which he was endeavouring to put on the road to visit every constituency to see how courts were working. Office rent, light and heating £200, office equipment £200, printing and postage £150, special printing judiciary rules, decrees, etc., £200, Chief of Police £175, brigade commandants £5,000, Dublin Brigade police, £725, Minister's allowance £250 and contingencies £250.

P. J. BYRNE asked for the names and salaries of the Supreme Court judges and the Circuit judges and were they whole time officers.

MINISTER FOR HOME AFFAIRS replied he had four judges, Professor A. Clery, Mr J. Creed-Meredith, Mr Cahir Davitt and Mr Diarmuid Crowley (in jail). They were prepared to do work as Supreme Court or Circuit Court judges. He had tried to keep two of them all the time free for Supreme Court work. They were paid a salary of £750 per year each and were whole-time officials.

P. Ó MÁILLE asked if these judges had a knowledge of Irish.

MINISTER OF HOME AFFAIRS explained he had great difficulty to get judges of standing at all. Two of them, Prof. O'Clery and Diarmuid O'Crowley, were very good Irish speakers. Mr Davitt and Mr Meredith knew some Irish, but he was not sure if they could carry on business in Irish.

JOS. McGUINNESS (Member for Longford) asked did the Minister consider four judges sufficient, were appeals being dealt with regularly and were there any arrears.

MINISTER FOR HOME AFFAIRS replied that the Deputy for Longford need have no fear of arrears in his constituency. Republican courts had much more frequent sittings than any enemy assize judge. His difficulty was to get really good men who would represent them in a satisfactory manner. He must say he found the Irish Bar worthy of the bad traditions it always had; there were scarcely half a dozen patriotic men amongst them.

M. P. COLLIVET (Member for Limerick City) asked did the Minister contemplate the payment of the local registrars.

MINISTER FOR HOME AFFAIRS replied that he thought every court in Ireland could pay its own registrar out of the fees received if it was properly worked. The North Dublin District court had functioned and paid its own registrar all through the very worst of the terror.

D. O'CALLAGHAN (Cork City) asked why was it necessary to pay police in Dublin while they had the D. M. P.

MINISTER replied that the situation in Dublin was that two courts had been established instead of the usual parish courts and they had a considerable volume of business. The execution of

their decrees could not be undertaken by the local Dublin Volunteer Brigade and then other matters regarding the maintenance of law and order had to be seen to. He was authorised to employ half a dozen whole-time police to do this work. Business could not be carried on at all otherwise.

FRANK CARTY said he had a distinct objection to the payment of Brigade Chiefs of Police. One reason was that in every brigade area they had at least 100 whole time Volunteers and none of them paid. It spoke very badly for the patriotism of the police.

MINISTER FOR DEFENCE said he was tormented trying to get Volunteers to do police work. They had their own special work to do, to rout the enemy out of the country. Police work was the work of the Department of Home Affairs and he did not want to have anything to do with it. The Chief of Staff and himself decided to set up a police force and hand them over to the Minister for Home Affairs and when that was done by them they did not want to have anything more to do with police work because they had enough to do. If the Dáil refused to pay the police their work would fall back on the army and he did not think the army would be able to do it.

JOS. LYNCH supported the payment of the police. The work was absolutely essential and it would be impossible to get it done if the Chief was not paid.

DEPUTY PEADAR HUGHES (Louth) agreed that the Chief of Police should be paid. While men would be quite willing to do Volunteer work he did not think that they would find men willing to give up their whole time to police work.

DEPUTY T. O'DONOGHUE did not agree with this opinion.

DEPUTY R. MULCAHY (Clontarf) pointed out that what the members of the Dáil should understand was that the police as an organisation was separate from the Volunteer organisation. They had been coming to that position for a long time. The process was slow as it was felt that the army was the only body that the people of Ireland would put up with interfering with them. They had now come to the point at which they had a separate police force. At the present moment they were in a transition stage but it would be passed immediately.

There would perhaps be some objection locally to a man being paid because he was a police officer considering that the job was pushed on to him because he was not fitted for the responsibilities of an officer in the Volunteers. But education was wanted in the matter and propaganda he thought should take up the principal point among their own people that the different functions of the Republic were developing now and with an organisation taking on a definite shape for the first time they must have a separate body for that organisation. The army had to have full time people and the police force should have full time people to run it. It was necessary to have full time police officers in the country, but the only thing he would like to see was that they would not turn round now and pay their Chiefs of Police but that the police organisation would be brought into line with the organisation of the local government administration.

## ESTIMATE FOR DEPARTMENT OF SECRETARIAT

MINISTER FOR FINANCE said Estimate for Secretariat Department was £2,500. £1,060 was excluded from the ordinary working. Salaries £1,049, stationery and postage £100, rent £100, contingencies £141, capital outlay £50, Dáil meetings £60 and provision for Deputies, travelling expenses £1,000 which he was afraid was very much understated.

## ESTIMATE FOR LABOUR DEPARTMENT

SUBSTITUTE MINISTER OF LABOUR (Jos. MacDonagh) said the total estimate for the Labour Department for coming six months was £7,300 which was based altogether on the expenditure of the last half-year.

Particulars were as follows :—

First of all Labour Department proper: salaries £514, minister's salary £250, stationery and postage £120, office rent etc. £60, Extra expense £300—making £1,244. In Boycott Department there were organisers' salaries £1,794, clerks, typists, and messengers for the five offices £689, Volunteer boycott patrol in Dublin £819,

advertisements £650. Then there was provision in here for £1,500 for a permanent trade exhibition in Dublin which he thought should be struck out as it had been since taken over by Trade and Commerce Department. Stationery and Postage £260 and sundry expenses of £344 making a total of £6,056 which would make in all a total of £7,300.

He would ask that the item £1,500 be struck out which would leave his estimate £5,800. At the time the estimate was made out he was not in a position to find out if that item was included by the Minister of Trade and Commerce.

DEPUTY SEÓSAMH McGUINNESS (Longford) asked would it be necessary to continue the organisers. He did not think they accomplished very much.

S. DOLAN (Leitrim) said he thought they got very good value for the money spent on the organisers. The Boycott had fallen very flat until the organisers were appointed.

MINISTER replied that originally 12 organisers were appointed but since the committees were fully formed the number had been cut down to eight or nine at the present moment. He did not intend to employ more than the present number but he thought it was absolutely essential that that number should be kept on the road. They covered considerable areas with the object of keeping the Boycott Committees working actively. The Volunteers had enough to do without looking after the Boycott and they were only called in when drastic action had to be taken. The spade work would have to be done by the committees. Only for the organisers the Boycott would be a very dead affair as the committees originally set up had ceased to exist but the new committees were pretty generally active and, if it were not for the Truce, Belfast would be in a much worse condition than she was at present.

D. BUCKLEY (Kildare) said there was very little done before the organisers came on the road. Since then there was a wonderful improvement.

SPEAKER said the original estimate of £7,300 was now reduced to £5,800 and that the Dáil would pass on to the estimate for Trade and Commerce Department.

## ESTIMATE FOR TRADE AND COMMERCE

DIRECTOR OF TRADE AND COMMERCE, E. BLYTHE, explained that his estimate was in two divisions, expenditure at home £3,750, and expenditure on consular services £10,000. Items for expenditure at home were salaries of staff £767, Director £250, special printing, prohibition orders, etc., £1,300, stationery and postage £30, office rent £50, railway expenses £100, contingencies £253, industrial exhibition £1,000. This latter item was passed at the last meeting of the Dáil for the promotion of a permanent exhibition of Irish goods. Those items made a total of £3,750. In addition to that there was an item of £827 required for the commission of inquiry to pay debts they had for printing of reports. Four reports would be ready before the end of the year which should be printed and for which he had got a rough estimate of £250, consequently he desired to add £1,000 to that portion of his estimate making it £4,750.

Coming to the consular services he had put down £10,000 provisionally but he thought it would be considerably less than that. The items were Paris £1,000, Antwerp £650, Rotterdam £800, Genoa £200, New York £6,000, Development (Consulate in Germany) £1,350.

The normal expenditure of the New York office was £3,500 but he had made a provision for the opening of vice-consulates in Philadelphia and other cities which the President really required for political purposes but which he thought it would be better to open in the first instance as trade offices and later on they might be declared to be political offices. It was probable this £2,800 would not be required but he had included it in case the President still desired to carry on with the scheme.

(The Leas Cheann Comhairle took the Chair at this stage.)

MR. O'DWYER proposed that the vote be reduced by £1,000.

S. O'MAHONY seconded.

MINISTER FOR DEFENCE said he realised that Irish manufacturers did not

understand the importance of advertising to anything like the same degree as foreigners. Even those who had money did not understand the value of advertisement, but most of them had not the money to do it. There was no comparison at all with the capital held by the manufacturers in Ireland and that held by the people against whom they were competing. This was a very laudable attempt to help the manufacturers. He knew the very keen competition that Irish manufacturers had to meet and most unfair competition in a number of ways and every assistance they could be given should be given to them by this Dáil. If the Dublin Development Association succeeded in getting up this exhibition and getting most of the manufacturers to show their goods the public of Ireland would see the goods were made in the country—things he was sorry to say people were least educated in. The exhibition would be in one of the best thoroughfares in Dublin. The people would get to know of Irish made goods and ask for them. He believed it would be a well spent £1,000.

JOS. McBRIDE said every country he knew of did its best to promote the sale of the manufactures of its own country. There were permanent trade exhibitions in London, Paris, Berlin, and all big foreign cities subsidised by their own governments and he only wished the Minister for Trade could expend about £20,000 a year instead of £1,000 altogether.

S. O'MAHONY contended this work should be done by private enterprise or by societies like the Dublin Industrial Association but the Dáil should not spend £1,000 on this project.

L. DE RÓISTE said the question was how best to help Irish industries. The idea was a good one but he agreed with Deputy O'Mahony that the Dáil ought not to do the work. In Cork they would have a permanent industrial exhibition long since only for the war and the essential expense necessary. He did not think the Dáil should go into the matter at once. He thought it most inadvisable for the Director of Trade and Commerce to lay down the lines on which to work. The Development Association had suffered from lack of funds. If they gave them funds they would do the work. The Dáil should not pass this £1,000 and then say to the association, "You must have an exhibition of goods and you must pay £1,000 for the rent of the hall". He would agree to the vote if it was for industrial development and that no restrictions are imposed on its spending. The Association had made a study of the subject for a long number of years and knew best how money should be spent.

M. P. COLLIVET said he would second that proposal.

DIRECTOR OF TRADE AND COMMERCE explained there was no question of what the Association should do. He arrived at an agreement with them as to what should be done.

SEÁN MacENTEE said they had adopted the economic weapon against England. One of the chief difficulties they had found in pushing forward this policy was that the majority of the Irish people were not aware of articles manufactured in Ireland. He thought the Dáil should be willing to spend £10,000 if necessary on such a trade exhibition.

Amendment put and negatived.

M. P. COLLIVET asked was it agreed that the Director was not to consider himself bound to spend this £1,000 in the form of an exhibition.

DIRECTOR agreed to this condition.

## ESTIMATE FOR DEPARTMENT OF LOCAL GOVERNMENT

MINISTER FOR LOCAL GOVERNMENT said the items for his estimate were salaries and expenses of outdoor staff of inspectors and auditors £6,900; salaries of office staff £1,430; £500 for Minister's allowances; £400 for stationery and postage; £305 rent (4 offices in all); £155 for miscellaneous and £260 for contingencies, making a total of £10,040.[1] The estimate was not extravagant, having regard to the numbers employed. He had a staff of 43. The amount of work coming into the office could not be done with a lesser staff. One matter he was asked to mention with regard to the

1. The total of the items listed is not £10,040 but £9,950. This discrepancy also occurs in the shorthand notes.

£100,000 loan. That was being distributed to the local committees in the proportion of one-tenth of the grants lost. There was very great distress in Wexford town as the manufacturing companies were unable to dispose of the stocks of machinery on hands and had practically closed down with the result that six or seven thousand men were thrown out of employment. After consultation with trade and labour representatives there they came to the conclusion that the only practicable scheme to relieve the distress was one for building concrete cottages which would cost from £250 to £400 each. If £20,000 could be secured by the town council on overdraft from the bank they thought the Dáil might give some confidence to the people to take up this project by giving a loan of £1,000. The scheme was as far as he could see the only one that was suitable to relieve the serious condition of the town. If the cottages could be built for that sum it would bridge over the time of distress for the people out of work.

He thought it would be necessary to alter the terms of the loan for the £100,000. The scheme would not be passed unless it was a thoroughly sound one.

ALD. CORISH moved that the report be varied so as to permit of this loan of £1,000 for the Wexford scheme being sanctioned.

MINISTER FOR LOCAL GOVERNMENT said the necessary amendment would be, "that the regulations concerning the loan to local authorities of £100,000 be varied in respect of the county borough of Wexford and that subject to the scheme for building cottages in Wexford being approved by the Local Government Department that £1,000 be loaned to the Wexford corporation".

Amendment ruled out of order.

## ESTIMATE FOR DEPARTMENT OF FOREIGN AFFAIRS

MINISTER FOR FINANCE said he had been asked to give the items of Foreign Affairs Department's Estimate. Details were: France £2,700; Germany £1,000; Spain £800; Italy £2,500; London £2,000; U.S.A. £20,000; Switzerland £800; Argentine £750; Chile £500; special amount for P. J. Little of £1,000; for L. Ginnell £1,000; making a total of £33,050. There was provision made for general contingencies of £10,000. He might explain that there was the utmost difficulty on the part of the Foreign Affairs Department in making out the estimate. The figure for the U.S.A. was an approximation. Total £43,050. In addition to that there were six items for the Head Office: Salaries of staff £12,000[1], Minister's allowance £250, stationery £74, rent, etc., £85, miscellaneous £115. Contingencies £926 making a total of £45,700.

SEÁN MACENTEE asked how was it proposed to spend the £20,000 allocated to U.S.A.

PRESIDENT replied that he had not got the figures now. They had in America first of all Frank P. Walsh's office where they had the representatives, a secretary and a small staff. That was really a propaganda department from which was issued publications like the address to the foreign nations and a lot of work of that kind. He said it was very hard to understand the cost of things there. Take the cost of living, 100 dollars a week was as little as a person could live on here [*recte* there], so they could realise what money values were. With the cost for consul and the representatives and the office itself £20,000 was necessary. In fact they had a great deal of trouble when they tried to cut it down to that figure.

SEÁN MACENTEE said all this £20,000 seemed to be for political purposes.

PRESIDENT explained he had already pointed out that the new organisation being set up in U.S.A. would soon be able to do all the work done by the commission before. A great deal of it was being done already, but they could not build up an organisation within a few months and get from it all the activities they required. The commission when he was there before had to bear the expense of all the propaganda work.

SEÁN MACENTEE said he did not want to seem captious about this matter

1. This apparently should read £1,200.

but he would ask the President to remember that the total actually expended upon all the foreign activities amount to £1,200 for the last half-year and the estimate now submitted is £45,000 of which they were told £20,000 was to be expended on political work. He submitted they should have some particulars of that. He would also point out that the financial position of the Dáil was not too satisfactory. Estimates for the coming half-year provided for an expenditure of £228,000 while the total balance at home was only £255,000. In former votes there had been certain provision made for Defence. There was a possibility they might not get money from America. He suggested it would be in form that a detailed estimate should be tabled.

MINISTER FOR FINANCE pointed out there was a statement here in his report that these details could be got if notice was given. These details were available. There was no difference in the Ministry of Finance between funds whether they were kept in Ireland, France, England or America. The amount for Defence was shown clearly in his report; the Department had a balance in its favour that covered its estimate for the coming six months.

PRESIDENT said he would like to make a few points clear. It was said there was a great increase in the amount for America. They would remember the Dáil put half a million dollars at his disposal to do the propaganda work necessary in America. Until such time as they were satisfied that the new organisation was ready they would have to do the work themselves.

## ESTIMATE FOR PUBLICITY DEPARTMENT

DIRECTOR OF PUBLICITY, E. CHILDERS[1], said the estimate for his Department amounted to £5,000. The total expenditure for the past six months was given as £4,523. That sum should have £1,000 deducted from it, as the cost of the mission to South Africa was charged to this Department, whereas it should have been charged to Foreign Affairs Department.

The estimate included £1,200 for the purchase of a freehold house for offices. That expenditure was in the nature of capital expenditure so that the actual estimate for coming half-year would really be £3,800.

Details were salaries £1,000 for 2 statistical clerks, 2 typists, 2 despatch clerks, private secretary to the Director, assistant Director and assistant Editor of the "Irish Bulletin". He would like here to say a word of commendation about Mr. Frank Gallagher in that capacity. He would like to add that the work of the whole staff was such that the Dáil could congratulate them: efficient and excellent under conditions of extraordinary stress. Stationery £450, postage £900. This latter figure was heavy owing to the fact that the "Bulletin" had to be sent out in sealed envelopes. £240 for a small sub-department in Cork, £100 for books, £600 for printing, £100 for rent, rates and taxes. That with £400 for contingencies made a sum of £3,800. Add to that the value of the freehold house £1,100 [*recte* £1,200]—£5,000.

## ESTIMATE FOR PRESIDENT'S DEPARTMENT

PRESIDENT said his Department would be more expensive if he had to function publicly. He was anxious to know how they were going to exercise powers when the Dáil could not meet. There were very extensive powers given to the Ministry on one occasion. The Dáil would have to give discretionary powers either to the Ministry or to the Grand Committee which they were setting up.

MINISTER FOR FINANCE said the position up to the June meeting last year was that from a previous meeting the Ministry had discretionary powers for expenditure of something like £50,000. That power was not exceeded up to the June meeting and at that meeting certain estimates were passed and a contingency vote of £20,000. After that June meeting they had meetings regularly, and at the last meeting the contingency vote carried them into February. They always had enough to carry on.

The position now was he expected these estimates would in the ordinary way

1. Desmond Fitzgerald was Director of Publicity. Erskine Childers acted as Director during the imprisonment of Desmond Fitzgerald.

cover the workings of all the Departments, therefore the contingency vote need not be very great. He did not know if the Dáil would care to give discretionary powers to meet emergencies which might arise. The Trustees' Deed provided for occasions on which the Dáil could not meet. Then the Trustees had power to disburse on their own account. He dared say if a position arose that the Dáil or the Ministry could not meet the only thing then would be for the Trustees to exercise their powers. If they wanted to meet emergencies the only way to meet the case was discretionary powers to the Ministry.

He then read the estimates as they were passed. The estimate for the President's Department £1,500 was based on expenditure since Christmas last. He moved it be increased to £2,500. Details—special work £400; salaries £200; Minister's allowance £300; contingencies £1,600. He suggested that the new Department of Fine Arts and Economics be put into the contingency vote. He asked for a contingency vote of £20,000. There was one other point to be mentioned. They got a special amount of £15,000 from the U.S.A. which did not appear on these accounts. That £15,000 was collected by Mr. Ginnell and sent to the Dáil to be used in relief in any special way the Dáil wished. He submitted that amount should be placed at the disposal of the Ministry.

He then moved the total estimate amounting to £144,740 excluding the £15,000 placed at the disposal of the Ministry.

Detailed as follows:—

| | £ |
|---|---|
| Department of Publicity | 5,000 |
| ,, ,, Fisheries | 650 |
| ,, ,, Irish | 8,800 |
| ,, ,, Finance | 7,300 |
| ,, ,, Trustees | 1,750 |
| ,, ,, Agriculture & Forestry | 6,800 |
| ,, ,, Home Affairs | 13,150 |
| ,, ,, Secretariat | 2,500 |
| ,, ,, Labour | 5,800 |
| ,, ,, Trade & Commerce | 14,750 |
| ,, ,, Local Government | 10,040 |
| ,, ,, Foreign Affairs | 45,700 |
| President's Department | 2,500 |
| Vote for Contingencies | 20,000 |
| TOTAL | 144,740 |

L. DE RÓISTE seconded the adoption of the estimates.

Question put and agreed.

PRESIDENT proposed adjournment of the Dáil till 11 a.m. on Friday.

A. O'CONNOR seconded.

Adopted.

D'éirigh an Dáil ar 7.10 p.m.

# DÁIL ÉIREANN

Private Session

Friday, August 26th, 1921[1]

Dáil assembled for Private Session in Round Room, Mansion House. Speaker took the Chair at 3.30 p.m.

## MINISTERIAL MOTION

MINISTER FOR LOCAL GOVERNMENT formally moved the adoption of a Decree as follows:—

Decree to amend Local Government Act of 1902 as follows:—

The Local Government Act, (Ireland) 1902, (2 Edw. 7, C. 38) Sec. 16 shall henceforth read and be construed as follows:—

> "Whereas an association of county councils of Ireland has been formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government. Therefore a county council may pay out of the county fund, as general expenses incurred by them in the execution of the principal Act, any sum, not exceeding twenty pounds in any one year, as an annual or other subscription to the funds of the association, as well as any reasonable expenses of not more than two representatives at such meetings of the association as shall have been called with the sanction of the Local Government Department, Dáil Éireann."

The Minister explained that owing to the reduction in the value of money the former subscription was insufficient for the work of the General Council of County Councils. At present this council could only meet twice a year and he wanted that regulation extended to admit of a greater number of meetings if it should be required. This Department had used the General Council to send out information and to get representatives from the borough and county councils to Dublin. One of the most recent uses it was put to was to direct that no registration or jurors' lists be prepared, which if the Department did itself directly might be regarded as a breach of the Truce. The voters list could be used by the enemy for identification purposes when the Truce terminated. It would be also obvious to them why no jurors' list should be prepared for the Dáil had established law courts, judiciary and so on and there was no reason why they should allow the enemy courts to continue.

He did not see any objection to increasing the subscription. One or two councils objected to paying the increase because there was a statutory law fixing it at £10.

S. T. Ó CEALLAIGH seconded the motion. He considered the General Council of County Councils did most useful work that could not be done by any other body and whatever support it thought necessary from the Dáil or the local bodies should be given.

DONAL O'CALLAGHAN supported the motion. He moved that the words "as well as any reasonable expenses of not more than 2 representatives" be altered to read "as well as any reasonable expenses of its representatives" as his county had 4 representatives. He also suggested that the expenses be paid through the General Council of County Councils.

Minister for Local Government accepted this amendment.

Motion as amended put and adopted.

1. This session was preceded in the morning by a public one the record of which is included in the published official reports of the period.

## DEPARTMENT OF HOME AFFA
### Decree as to purported exercise of public functions[1]

MINISTER OF HOME AFFAIRS presented a Decree as to Purported Exercise of Public Functions (Appendix[1]). He said the Decree arose out of some discussions in the Ministry with regard to the action of the judges of the English courts before whom their men were being tried for carrying arms and other alleged offences against the enemy invader and the action of the enemy court in refusing to uphold what was really their own constitution, in allowing the military to destroy the property of what they called British subjects, the property of Irish citizens, without compensation. These judges and others of the English courts, High Court and County Court judges also offended against the laws of the State by granting huge sums for compensation to policemen, soldiers and their relatives and by trying to cripple public bodies.

These enemy officials had allied themselves with the military in trying to intimidate the country into surrender. That had been tolerated long enough and it was now proposed to give the Ministry power to deal with them in any way they thought fit by regulation by "fine, imprisonment or otherwise" which would include the death penalty if same was found necessary.

Of course the power the Dáil gave the Cabinet in the Provisional Decrees Order two days ago was sufficient to permit of regulations being made to deal with these people, but it would have to be brought up again at a subsequent meeting of the Dáil for ratification and it was better such legislation should be the act of the Dáil itself.

The Decree was framed so that it would not interfere with the Truce. It would be a war measure to come into force after the Truce. He mentioned that while they were likely to aim directly at judges and the like the Ministry might think it necessary to deal with all kinds of English civil servants in the country.

P. J. RUTTLEDGE seconded the adoption of the motion. He said such an enactment was absolutely essential if they were to get administration into their own hands. The enemy courts had taken action to prevent Republican courts acting. For some time this suppression of the Dáil courts was not very successful but with the incursion of the huge enemy forces into the country steps should be taken to prevent people resorting to enemy courts again. He thought it was the proper course to adopt and one that met with the general approval of the Dáil. The courts were an essential branch of administration and this Decree would make them more successful.

G. GAVAN DUFFY submitted three objections. First he pointed out if it was proposed to inflict the death penalty under this Decree the Minister owed it to this House and to the citizens to say so in plain terms. He submitted it would be a monstrous thing if the Chamber let death sentence pass under the words "Fine, imprisonment or otherwise". He strongly urged that it should be said in plain language. The second point was that barristers did not appear to be included in the list of persons named. He suggested they should be included. His third objection was that the Dáil would have no control over the regulations made, and he suggested there would be added "such regulation as the Minister may make shall be submitted to the next meeting of the Dáil or the Grand Committee".

DAVID KENT thought the powers asked for were not at all too severe. They all knew what it meant for them if the enemy captured any Republican court functioning during the war and he considered no Decree could be too strong. If they were going to fight they would have to take off their gloves to it. Most drastic powers should be put into the hands of the Minister for Home Affairs.

P. J. WARD asked if any provision was made for a case of monies in America or other foreign countries which would require a British court order as no other order would be accepted.

MINISTER FOR HOME AFFAIRS said if he understood the Deputy for South Dublin (G. Duffy) rightly he did not object to the death penalty as such. He would not like to pass this Decree unless he got power to inflict the death penalty. Of course if the judges continued to be responsible for the

1. See Appendix 4.

execution of men like Allen without legislation of this kind he did not believe it would be possible to deal with these judges. If necessary he would move an amendment to make it clear to include the death penalty.

GAVAN DUFFY said if the death penalty was being imposed this Chamber should know there was sufficient control to secure for men being tried for their lives a fair and legal trial.

MINISTER FOR HOME AFFAIRS said the regulations, which would be issued by the Ministry, would provide for the trial. He had no objection to including barristers and solicitors in the list of the enemy service when the time arrived.

He was sorry they had no control over the position of persons wanting to take out probate or orders relating to money in foreign countries. Their court decrees would not be recognised in such cases, but provision would be made to issue permits to enter the enemy courts for such matters.

Solicitors and barristers were not in the pay of the enemy government and he would not like to class them with the paid officials, but under the other Decree they had there would be nothing to prevent a regulation from being issued when required.

GAVAN DUFFY moved as an amendment that the words "or otherwise" be left out. He objected to the death penalty being enforced unless the Decree stated it clearly and also provided that any sentence of death should not be carried out without reference to some civil authority which would have power to withhold or give sanction for such penalty.

K. O'HIGGINS pointed out the Decree meant a complete prohibition of the use of enemy courts. Many applications were sent to his Department by public bodies to bring cases in the enemy courts which could not be dealt with in Republican Courts such as hostile ratepayers who refused to pay rates, tenants of cottages, etc. Then they had a class of rowdy inmates in the S. Dublin Union who had always up to this to be dealt with in the English police courts. He did not think it possible to deal with such cases under war conditions.

PROFESSOR STOCKLEY thought too much stress could not be laid on the tremendous powers sought under this Decree. Every safeguard should be taken lest by any chance they should descend to what had been done by the enemy.

P. J. RUTTLEDGE said the Decree would not be much good if it did not include solicitors as it was this class urged their clients to go into the enemy courts. He was in favour of the inclusion of the death sentence in the penalties. They should remember they had no jails and the more drastic it was the more effective it would be. They were met by very drastic penalties on the other side. This Decree would have no effect if the most drastic powers were not given to the Minister for Home Affairs.

PEADAR HUGHES supported the view of the member for South Dublin (Gavan Duffy). If the Minister could not set up some civil tribunal to stand between the subject and these courts he would vote for the Decree.

S. MACENTEE also agreed with the view put forward by the member for South Dublin. He suggested a death sentence should not be carried out till ratified by a committee of the Cabinet. Any drastic powers given to the Minister for Home Affairs should be [as] drastically safeguarded as they could make them.

MINISTER FOR HOME AFFAIRS explained that the regulations setting up the courts would have to be laid down by the Cabinet. If it was the wish of the Dáil, he would have no objection to a provision that the death penalty should be ratified and confirmed by the Cabinet.

S. MILROY asked were they to understand the Decree would not come into force during the Truce.

MINISTER FOR HOME AFFAIRS replied—Yes.

PROFESSOR STOCKLEY asked would due notice be given to such offenders that their actions came under such a tremendous Decree.

PRESIDENT thought the whole question was not as clearly appreciated as it

might be. They were in a state of war, and the enemy was trying to prevent their functioning by taking over the civil administration as far as he could. They would have to proceed in this matter as the American colonists proceeded in their time. The latter had to adopt a most drastic system against the loyalists to prevent them from helping England. He agreed with every word said about safeguards but the point was what were they to do if they were not going to be futile. If they approached this matter in a half hearted way they would bring about more suffering than by more drastic action.

It was the intention of the Ministry if the war went on to root out every enemy Department of civil administration in the country. It was the Minister of Defence said they were striving with their weakest arm to defeat the enemy's strongest arm. They should try with their strongest to defeat his weakest. If they were going to succeed in this effort to establish their Government they would have to be firm and get a system which would prevent the loyalists from giving aid to the enemy. How were they to do that if the British courts and civil officials were allowed to carry on. They should definitely proscribe those courts and activities in a public order forbidding their functioning and then they would do so at their peril. They could not wage war with their hands tied behind their backs. Serious circumstances need serious and determined action. If the war went on the Cabinet was going to issue orders forbidding enemy civil functions step by step and they would declare them enemies and traitors. He agreed there was a necessity for safeguarding the lives of everyone resident in the country but they could not be futile. Any safeguard that could be set up in reason he was willing to adopt it. He did not think it was fair to have sentences referred to the Cabinet for consideration. They could set up an appeal tribunal.

GAVAN DUFFY said if there was a right of appeal to a tribunal sitting in Dublin he would withdraw his objection.

PRESIDENT said he would strongly support there should be such an appeal. He was quite willing it should be provided for.

There was another point and that was the difficulty of apprehending offenders and bringing them to trial and it might ultimately be necessary for them to ask for more drastic powers still.

S. ETCHINGHAM thought full powers should be granted now as it might not be possible to have such a full meeting again for a long time. Under the conditions of a new war there would be far less opportunity of arresting those people.

LORCAN ROBBINS supported S. Etchingham's views. He knew comrades of his in their graves today over scrupulousness about trials.

M. P. COLLIVET asked did the Minister intend to include the highest officials in the enemy service in this country.

MINISTER FOR HOME AFFAIRS replied the Decree went from top to bottom.

PK. HOGAN instanced the case of the judge who tried Allen's case. What happened was the judge was asked by them to function, so that if they charged him under this Decree it would be dealing with him because he refused to function in a certain way. He would have a very good defence. If the Bill was for the purpose of dealing with the judges who did all the somersaults recently he thought it should be redrafted in some respects.

MINISTER FOR FINANCE thought they were basing all their remarks on a wrong conception of the situation as it existed now and as it would exist after the termination of the Truce. He said they should look at it from the stand point that the English government here was an usurpation and that every official whether a member of the armed or unarmed forces had no authority for his position. Any official who was acting for the English government whom they did not exempt was guilty of treason to the Irish side and that should be the basis of anything they did with regard to any of those officials. It was not a question of preventing those officials from functioning, but a question of not allowing the British government to carry on any functions at all in this state.

If hostilities were resumed he believed they would be on a much more definitely military scale than before the Truce and that they would be forced to have a standing army. Under such circumstances he

thought the English government would not allow any civil functioning to go on save any useful to themselves. It would be to the Republic's interest to stop all these people, declare a certain thing treason with a penalty of death and then those English officials could have no grievance. He would rather see a general thing drafted that would give the Cabinet those powers and the details worked out by the orders afterwards provided they had an understanding as to the general principle of the thing.

MINISTER FOR FOREIGN AFFAIRS (A. GRIFFITH) agreed with the Minister for Finance as to the condition if war was resumed; in which case it would devolve on the Ministry appointed today to act as a committee of public safety. And it would be that Cabinet's duty and responsibility to issue Decrees from time to time declaring such a thing treason. A civil enemy of this Government was entitled to be treated as a civil enemy and not as a military one, and if the basis of this Decree was that civil enemies were to be treated as military ones without appeal to the civil tribunal he must oppose that portion of it.

PRESIDENT assured the Dáil that every point of view expressed here would find expression in the Cabinet. If the war was resumed it was going to be a fight of life and death and the Minister for Home Affairs seeing the general powers already conferred on the Ministry would withdraw the Decree.

MINISTER FOR HOME AFFAIRS pointed out that anything that was done under the Provisional Orders Decree had to come up for ratification at the next meeting of the Dáil. He thought the Dáil as a body ought here and now vest the Ministry with power to destroy by every means that the Ministry could think of not alone the lives of the individuals but the machinery of the enemy government.

PRESIDENT said a matter of this sort was so serious it should be a government motion. He differed from the Minister of Home Affairs in the point that he would prefer to commit only the Ministry first and not the Dáil as a whole, and they could do this under the powers already given them. Any action taken could be ratified afterwards by the House or the Grand Committee and he was therefore asking the Minister for Home Affairs to be content with the powers of the Provisional Orders Decree and he would ask him to withdraw the Decree. It was a question of very wide scope and would have to be dealt with by the Cabinet as a whole.

DR. FERRAN proposed the Dáil accept the President's proposal.

M. P. COLLIVET seconded.

Decree withdrawn.

## ELECTION OF GRAND COUNCIL [*recte* COMMITTEE]

PRESIDENT proposed the House would take up the election of the Grand Committee agreed upon at the session of 25/8/21. Ministers were not eligible for election but of course could vote as private members. He also proposed that any vacancies that would arise owing to enemy action should be filled by those whose names were next in order according to number of votes received.

This was agreed to.

It was also arranged that the voting would be by ballot and Seán Milroy and Michael Hayes were appointed as scrutineers.

S. MILROY raised the matter of a Deputy who represented two constituencies and it was agreed to allow only one vote to one man.

PROFESSOR STOCKLEY asked had he a vote in each province as representative of the National University.

PRESIDENT replied that the member should only vote for the province in which he resided.

SÉAMUS DOLAN raised the point about the foreign representatives being eligible.

PRESIDENT replied as the appointments have not yet been made they were eligible. If any vacancies occurred owing to a Deputy being appointed to go abroad the member with the next highest number of votes would take his place.

The voting then proceeded and when all the members present had voted the President suggested that business would proceed while the scrutineers were counting the votes.

This proposal was agreed to and the next business taken was,

## VOLUNTEERS FOR THE LOCAL ADMINISTRATION COMMITTEES

PRESIDENT announced that he had hoped he would get a list of volunteers from each county who would agree if they were asked by the Ministry to act on these administrative committees. They all knew the responsibilities on these committees and he would expect those who put down their names would act whatever the loss or trouble. The Cabinet might be able to devise a different scheme but he would like to have a list of volunteers in case of need.

SPEAKER said that any members willing to act could hand in their names to the secretary before leaving.

PRESIDENT said he would like to impress upon the Members that he did not want names except those who would be prepared to carry out the duties devolving on those committees which would include the supervision of the carrying out of all Decrees, etc. On those committees would depend whether the administrative work would be successful or not.

He gave to the member for Monaghan (S. MacEntee) the details of the estimate for Foreign Affairs Department which he asked for the previous evening.

## MOTIONS BY PRIVATE MEMBERS

LIAM DE RÓISTE withdrew the two motions he had put forward on the agenda. He said he was unaware when tabling the 2nd motion that action was being taken with regard to the proposed U.S.A. tariff on cured mackerel.

H. BOLAND assured the Dáil that every possible action was being taken to secure that the Tariff Bill would be stricken out by Congress.

LIAM DE RÓISTE, by request of Mr. J. J. Walsh, who was absent, moved the following motion brought forward by Mr. Walsh:—

> "That as a matter of vital principle all legislative and executive control rests in the ultimate not with the Cabinet but the Parliament of the people, and, acting on this principle, we hereby resolve that the appointment of foreign representatives of the Republic be subject to the approval of An Dáil".

Motion was not seconded and was dropped.

P. BÉASLAÍ moved: "That no Minister or Director of a Department may act as Speaker at any meeting of the Dáil".

LIAM DE RÓISTE, seconded and the motion was adopted for inclusion in the Standing Orders.

## QUESTION OF APPOINTMENT OF PLENIPOTENTIARIES

JOSEPH MacDONAGH said he supposed it was an oversight that at the top of page 2 of the agenda the question of appointing plenipotentiaries was not taken.

PRESIDENT replied it was not an oversight but a question of tactics. As the House knew a new Cabinet had been formed to-day and approval given to it. Now that there was a definite responsibility being placed upon seven individuals it was only fair to them that they should first have an opportunity of discussing the matter and it should be a Government motion. Apart from that it was doubtful whether it would be wise to appoint plenipotentiaries before it was certain there would be work for them to do. Had they received the reply from the British government he had no doubt whatever. If it were necessary they would have a hurried meeting and be able to bring forward names. Another thing which affected the matter was he thought it inadvisable to have them appointed too long a time in advance. It would be impossible to keep them from being known publicly. They would be pestered by all sorts of opinions. So he thought it better that the names should be brought forward only when they knew the negotiations were going to proceed.

Against that if they did proceed they

would need another meeting of the Dáil. The only way out of it was to leave [it] to the Cabinet to nominate them, but he did not like to do that. They had two courses—leave it to the Cabinet or you are to depart and leave it to the Cabinet to summon you again specially for the purpose. In any case he thought they should not go on with it now.

One point he wanted to elucidate—whether the plenipotentiaries would have terms of reference to guide them. He was perfectly willing to leave it to the Cabinet on the understanding that [in] any negotiations that took place there would be no suggestion that there would be any compromise on the principle of the status of Ireland. Therefore he thought it would be better that these plenipotentiaries should be ratified by the Dáil and that the terms of reference should be stated at the time of their appointment.

It was futile to expect they were going to have negotiations if they tied their plenipotentiaries hand and foot. They might as well not go away.

They had elected a Government responsible for the carrying on of the preliminary negotiations. Terms of reference would be laid down—the agreed terms of reference between them and the British government. The terms would be laid down in some such reference as that laid down in the letter to Lloyd George to-day. It was not their terms of reference but the agreed terms of reference between them and the British government. They could realise the advisability of not committing this Dáil in advance to anything that the plenipotentiaries might do. They would have to go out [*sic*] the best they could under the conditions. Certainly if there was to be any limitations of any kind further than have been stated broadly in their reply he for one could not retain office.

E. DUFFY asked had the President made up his mind as to whether the Dáil should be asked to ratify the plenipotentiaries at all.

PRESIDENT said he did not mind very much. From the point of view of influence they would have I would like to see them ratified. He would ask for ratification if they were going now. It was not a very pleasant task to negotiate under the present circumstances unless one knew he had the support of the Dáil. That was his point of view. His idea was to tell the commission to go and do their best but to remember that everything they did the Dáil would have its say as to whether they would approve of it or not. Taking everything into account he would be inclined to say the commission should be from the Dáil as a whole. He did not propose on tactical grounds to be one of the plenipotentiaries himself. He thought under the circumstances the best tactics would be that he would not be one of them, but if he were he would feel that he had not the same weight if he was not ratified by the Dáil.

It was very important when they made a statement of that kind, there should be no question of their authority, and therefore they were authorising their plenipotentiaries to speak for them.

J. MACDONAGH asked might they take it that the plenipotentiaries would be commissioned by the Dáil.

THE PRESIDENT replied if it was the wish of the Dáil he was ready to accept that.

DR. MACCARTAN said they were dealing with the British Cabinet and not the British House of Commons. He would make a motion to the effect that the Cabinet should commission those plenipotentiaries.

P. J. WARD asked did not the reply state the Dáil would nominate these men.

THE PRESIDENT explained it would be interpreted to the Ministry.

P. J. WARD asked did not they leave the British government under the impression that the plenipotentiaries going over would have the sanction of the Dáil.

THE PRESIDENT said the reply was on the wire and it was expected in an hour. The House could resume tonight or wait till the morning. The only thing was that a number of members had left. However it was on the programme that the matter would come up. Therefore those who went away went with the full knowledge that they might lose the appointment of the plenipotentiaries.

He was told now the wire coming was

for himself only. It would be published in the morning.

There was only one matter now, the difficulty raised by the member for Donegal, but he thought that the Ministry acts for the Dáil would cover that, but if the members thought otherwise let them do what they wanted themselves. So if they would prefer to have the ratification of those whom he sent over then he would suggest they stayed over till tomorrow.

P. O'KEEFFE moved that the House adjourn and meet at 8.30 p.m.

LIAM DE RÓISTE said if the reply was on the wire and that the President wanted to consider it overnight was it not better that they meet tomorrow morning. Then they could consider in view of the reply what was their best action.

D. O'CALLAGHAN appealed to the Speaker to adjourn the proceedings till Monday morning.

PRESIDENT said he was in favour of that also because it would not take long for him to make up his mind on the tactics of the situation. It was all a question whether plenipotentiaries were to be appointed or not. He felt as the members were here they should ratify them if they were to be appointed. But if the members were away down the country he felt the plenipotentiaries could go on the sanction of the Ministry.

The question of terms of reference he thought they were better debated now. He said personally if the terms of reference were any other than those broad lines that they had been going on up to the present—other than those they could not ask any negotiators go over on. They might as well not go at all. Either the House should say plenipotentiaries are not going or else give them a free hand.

THE SPEAKER said there was no proposal before the House.

THE PRESIDENT said he would make a proposition in order to shorten the business. He proposed that, whether the negotiators would be appointed by the Dáil, further than the basis of the correspondence which had taken place they should not be bound by terms of reference. In other words he proposed that the negotiating plenipotentiaries sent over be given a free hand other than the terms already laid down.

P. O'KEEFFE proposed the House adjourn till 8.30 p.m.

LIAM MELLOWES seconded.

PRESIDENT said regarding the motion for adjournment either they gave a free hand to the plenipotentiaries or they tied them up. If they tie them up they would get no one to go. That was his opinion.

MISS MACSWINEY proposed the House adjourn till tomorrow morning.

HARRY BOLAND seconded.

AUSTIN STACK approved of the motion.

G. DUFFY asked the President to say if he was going to reverse what the Ministry had done up to the present.

PRESIDENT replied he quite appreciated at the present time that there should be such anxiety in the minds of the Dáil. It was really a vote of confidence. There was no use in electing a Ministry in the morning and in the evening passing a vote of no confidence. They wanted to do the best they could. None of them wanted to betray Ireland. The men or women who would be appointed would be men and women who served Ireland and who would be entitled to their confidence. He said no man or no woman could go over to negotiate in the conditions in which they were under the terms in which the Director of the Boycott wanted to suggest. What he was simply asking was that they confine themselves to one or two things—either let the Cabinet appoint the plenipotentiaries without ratification by the House or ratify them, but do not tie their hands by anything more than they had to be tied themselves by the British government—not to be tied in a knot by our own people at home. They should have a certain amount of freedom. If the Dáil wanted war then do not send them at all unless you want negotiations from the point of view of marking time. They had to remember this was a time they could pass over the opportunities that came in their way and as people responsible for the country they had to do the

best they could for the country and they could not do that if they tied up the hands of their plenipotentiaries. He would oppose it to the extent of resigning. That did not at all mean that he would do anything to speak to them about.

MISS MACSWINEY said she would not like it to be understood that there was a suggestion that any want of confidence in the President or the Ministry, as they all felt convinced of that. She did move, she said, that the discussion be postponed.

SPEAKER: That motion is out of order.

THE PRESIDENT said he did not understand. But he would like to settle now that when the Ministry made a strong recommendation that their plenipotentiaries should be given a free hand, if the House voted that down it would be a vote of no confidence.

LIAM DE RÓISTE proposed that any plenipotentiaries appointed, whether by the Cabinet or the Dáil, should be given a free hand.

SPEAKER said he was out of order.

P. O'KEEFFE moved that the whole matter be left to the Ministry.

PRESIDENT said the way to do it would be this, that an amendment be put that the House adjourned until tomorrow when the question would be settled as to whether plenipotentiaries would be required or not.

SPEAKER said they were all out of order.

G. GAVAN DUFFY pointed out that by the leave of the House the Speaker could take any motion.

SPEAKER announced that all the motions were now withdrawn and he was prepared to receive any motion now proposed.

P. O'KEEFFE said he felt that the whole matter should be left in the hands of the Cabinet.

DR. MACCARTAN seconded that suggestion.

LIAM DE RÓISTE said he had already proposed as a motion that the plenipotentiaries' hands be not tied in any way whether those plenipotentiaries be appointed by the Cabinet or by the Dáil in meeting.

P. Ó MÁILLE seconded that proposal.

PRESIDENT said that speaking as Head of the Ministry he would ask the House definitely to support the motion. It was only in that way he believed they could do effective work. It was immaterial whether the Ministry appointed the plenipotentiaries or not: the main thing was that they went without being tied up.

LIAM DE RÓISTE said he did not want to press that motion as an amendment to Mr. O'Keeffe's proposal. He was proposing that at all events whoever appointed the plenipotentiaries that they be given a free hand.

PROFESSOR STOCKLEY seconded that proposal.

THE SPEAKER said Mr. O'Keeffe's motion was before the House and he could not take Mr. de Róiste's order [*recte* motion].

MR. COSGRAVE asked would Mr. O'Keeffe accept in addition to his motion the proposal that had been made by the member for Cork (L. de Róiste).

PRESIDENT said he was very anxious the Dáil should ratify the plenipotentiaries.

S. MACENTEE asked the President were the credentials of the plenipotentiaries to come from the Dáil or should the Dáil in advance ratify what the plenipotentiaries should do.

PRESIDENT replied that he would like to have done either of two things. He was anxious first of all that the plenipotentiaries should go with free hands. Seeing the attitude which he thought was not quite the attitude of certain members of the House he was anxious they should see who the plenipotentiaries were before they went, because he could imagine if any of the plenipotentiaries were here and if they

were going unratified by the Dáil as a whole they might feel they would not have full liberty and sanction behind them. He wanted them to go with the whole powers of the Dáil. Therefore from a personal motive he was anxious they should be satisfied [*recte* ratified] by the Dáil.

MISS MACSWINEY said she thought there seemed to be a doubt in the minds of a good many of them. If the plenipotentiaries go they go with full power. But had the Dáil the power to say whether they go or not go?

PRESIDENT replied certainly. That point could be raised at their ratification.

H. BOLAND asked who was to interpret the letter which was coming now from the British government.

PRESIDENT said the Cabinet would put a definite ministerial policy before them. The Cabinet would make a definite motion that plenipotentiaries be appointed.

H. BOLAND said it was hardly likely there could be a meeting to-day.

SPEAKER then put the motion proposed by Liam de Róiste and seconded by P. Ó Máille which read as follows:

> "That if plenipotentiaries for negotiation be appointed, either by the Cabinet or the Dáil, such plenipotentiaries be given a free hand in such negotiations and duly to report to the Dáil".

This motion was adopted unanimously.

JOSEPH MACDONAGH asked leave to make an explanation. It was stated by the President that certain indications had been given that a spirit had been here that he did not expect to be here. It was also suggested that what he proposed was a vote of no confidence. His whole point was that he understood that a plenipotentiary was a person who had power to make peace. I took it from that that those who went over from here would have that power.

PRESIDENT said he was very sorry the misunderstanding arose. His interpretation of plenipotentiary was that men sent over to make peace come back and their actions were ratified or not. He was very sorry if he suggested anything that hurt anybody.

## RESULTS OF ELECTIONS FOR GRAND COMMITTEE OF THE DÁIL

SEÁN MILROY announced the scrutineers had counted the votes cast for membership of the Grand Committee. For Leinster 8 had got a clear majority and the 4 next members tied with an equal number of votes each.

For Connaught 5 had got clear majorities and the next 3 tied.

For Ulster 2 had got places and 2 tied for next place.

For Munster 7 had got places and 2 tied for last place.

It was then agreed to place the names of those who tied in a hat and draw for places.

The following were then declared to constitute the Grand Committee:—[1]

LEINSTER
E. J. Duggan
R. Mulcahy
J. J. McKeon
Jos. McGuinness
Frank Lawless
G. O'Sullivan
J. McGrath
Dan McCarthy
S. McGarry
M. Staines
M. Hayes

MUNSTER
P. O'Keeffe
F. Lynch
Dr. R. Hayes
P. Béaslaí
Miss MacSwiney
Seán Nolan
D. O'Callaghan
Dr. White
Seán Moylan
Mrs. O'Callaghan

ULSTER
Seán Milroy
John O'Mahony
Seán MacEntee

1. See correction by Seán Milroy at opening of session of 27 August, 1921.

CONNAUGHT
Liam Mellowes
Frank Fahy
H. Boland
P. J. Ruttledge
W. Sears
P. Ó Máille
Geo. Nicholls

## MOTIONS FOR ADJOURNMENT

PRESIDENT proposed the Dáil would adjourn till 11 a.m. tomorrow.

DR. MACCARTAN seconded. Motion adopted and House adjourned at 7.15 p.m.

# DÁIL ÉIREANN

Private Session

Saturday, August 27th, 1921

Dáil assembled for Private Session in Round Room, Mansion House.

SPEAKER took the Chair at 12 noon.

PRESIDENT said with reference to the matter about which they had reassembled, the Cabinet had been discussing it that morning, and he did not think there was any necessity for appointing plenipotentiaries at the present time. They thought it would be undesirable. The Dáil did not know whether they would be required or not. The Cabinet decided also they should be ratified by the Dáil whilst they as a Cabinet would propose their names. Therefore it would be necessary for the Dáil to re-assemble if they should be appointed. The Cabinet were of opinion they should not be appointed at this time. So that was all he had to say.

They had seen the reply themselves and they (the Cabinet) purposed sending a reply as soon as they could. The Dáil would have to come back in case plenipotentiaries would have to be appointed. They (the Cabinet) would propose the names one by one and it would be for the Dáil to ratify the selections or not. He proposed the nomination of the plenipotentiaries be left to the Cabinet and the Dáil to re-assemble to ratify them if necessary.

M. P. COLLIVET asked did the Ministry consider it necessary to have the hands of the Cabinet tied to ratification. He would be in favour of giving the Cabinet a free hand.

PRESIDENT said they discussed this matter in the Cabinet and their decision was that it was advisable that the plenipotentiaries be ratified by the Dáil. It was not a usual custom but under the peculiar circumstances in which they were working they thought it better.

I suppose it is agreed that the procedure be adopted that you would be called back in case the occasion arises for plenipotentiaries to be ratified. I am sorry if the members of the Dáil took away with them the impression that negotiations were going to proceed. There was a question raised yesterday which could come up at the time when the question of appointing plenipotentiaries would be brought before the Dáil, and that was whether they should go or not. It would be open at that time for members of the House to question the advisability of their going or not.

SEÁN MILROY drew the attention of the House to a slight inaccuracy in the returns of the Grand Committee last night. It related to the representatives for Munster which was done very hurriedly towards the end of the meeting. On going over the returns they discovered that Liam de Róiste had got 14 votes which brought him fifth on the list. They would recollect also there was a tie between three and after a draw Mrs. O'Callaghan was elected on the Committee. The suggestion had been made that Mrs. O'Callaghan be still retained as one of the Committee. In view of what took place he asked the House to approve of it.

DONAL O'CALLAGHAN seconded.

Questions put and agreed.

SEÁN MILROY said he thought it desirable that the President would give the Deputies some suggestions of guidance as to how they should view the reply from the British government pending the next meeting of the Dáil. It would be unfortunate if they separated without some collective idea governing their attitude and expressions of opinion. It was a very

critical period and one indiscreet remark by a Deputy might have a far-reaching effect.

PRESIDENT replied that he thought there should be very little speech making or interviews given to the Press. The attitude he thought they should take up was this—they had chosen a Cabinet to carry out negotiations and that they had every right when the time came as representatives and citizens to express their opinions whether they agreed with the Cabinet's views or actions.

But he thought they were going to do the best work and run fewer risks of those divisions which would arise where different people approached a very difficult question from very different points of view. He thought they would be far safer if the same restraint which was exercised up to this was continued. They had chosen an executive to do their work and when they wished to criticise their work they would do it in the proper place.

To refuse to deal with the situation in speeches or interviews. It would not suit them if they were brought up against different views expressed by different Deputies all over the country. They remembered how Fr. O'Flanagan's views on Partition had been brought up against them time and again. Their reply as far as the terms were concerned was irrevocable and on the principle of "Government by consent of the governed" they were willing to appoint plenipotentiaries. Those were the only two things that were irrevocable.

ALEC MACCABE suggested that their Publicity Department would not let the enemy Department get a week's start of them any more in replying to the peace negotiations in the Lloyd George correspondence.

PRESIDENT said before the House adjourned there were two matters of finance he would like to lay before them. As they knew in the past the Department of the Boycott was attached on to Labour by accident. He proposed to ask the same member to keep on as Director of the Boycott. He had not asked him directly to keep on but as there was a rule of the Dáil that ratification was necessary and he felt just now that the House should not break up without the necessary sanction of the Dáil being obtained that the late Director should continue the work done so magnificently. It was advisable from many points of view that it should not be attached to any particular Department as it cut across several. If the Director would be willing to act he would be glad to propose that the House would ratify the appointment and perhaps as the Deputy was here now he would give a reply.

JOS. MACDONAGH said he hoped the President would not mind if he would give his reply in private.

PRESIDENT said he was rather anxious that the Department should continue its work. He would have that done and bring up the appointment at the next meeting for ratification.

The other matter was that when the Director of Publicity was arrested last February, Mr. Childers was appointed in his place. The Cabinet proposed asking Mr. Childers to retain sectional work either in that Department or in Foreign Affairs Department. They could not lose Mr. Childers' services as they were of extreme value to them and he would like to have the sanction of the Dáil for his appointment. But as the particular Department was not yet mapped out, perhaps, he said, it would be more in order if he moved formally for the ratification of those two members at next meeting.

PRESIDENT moved the adjournment.

MINISTER OF FINANCE seconded. Agreed. D'éirigh an Dáil ar 1 p.m.

# DÁIL ÉIREANN

Private Session

Wednesday, September 14th, 1921

## PEACE NEGOTIATIONS—RATIFICATION OF PLENIPOTENTIARIES

The Dáil assembled in Private Session in the Oak Room, Mansion House, Dublin, 14/9/21.

Speaker (E. MacNeill) took the Chair at 11.45 a.m.

The Roll having been called the Speaker called upon the President to make a statement on the business of the day.

PRESIDENT, E. DE VALERA, said that he presumed they all knew why they were summoned here today. They had probably read the letter which Lloyd George sent on the 7th inst., in reply to their previous communication. The Ministry had sent a reply to that and they wanted to have the approval of the Dáil to that reply today. The Ministry also wanted to put before the Dáil the names of the delegation plenipotentiaries that the Cabinet wished to send should a conference result from these communications. He thought better to start by reading the letter which the British Premier sent to them in order to have it before their minds when considering the Cabinet's reply.

He then read the letter of the 7th September from the British Premier which was as follows:

Town Hall, Inverness,
September 7th, 1921.

Sir,

His Majesty's Government have considered your letter of August 30th, and have to make the following observations upon it.

The principle of government by consent of the governed is the foundation of British constitutional development, but we cannot accept as a basis of practical conference an interpretation of that principle which would commit us to any demands which you might present—even to the extent of setting up a republic and repudiating the Crown. You must be aware that conference on such a basis is impossible. So applied, the principle of government by consent of the governed would undermine the fabric of every democratic State and drive the civilised world back into tribalism.

On the other hand, we have invited you to discuss our proposals on their merits, in order that you may have no doubt as to the scope and sincerity of our intentions. It would be open to you in such a conference to raise the subject of guarantees on any points in which you may consider Irish freedom prejudiced by these proposals.

His Majesty's Government are loth to believe that you will insist upon rejecting their proposals without examining them in conference. To decline to discuss a settlement which would bestow upon the Irish people the fullest freedom of national development within the Empire can only mean that you repudiate all allegiance to the Crown and all membership of the British Commonwealth. If we were to draw this inference from your letter, then further discussion between us could serve no useful purpose, and all conference would be vain. If, however, we are mistaken in this inference, as we still hope, and if your real objection to our proposals is that they offer Ireland less than the liberty which we have described, that objection can be explored at a Conference.

You will agree that this correspondence has lasted long enough. His Majesty's Government must therefore ask for a definite reply as to whether you are prepared to enter a Conference to ascertain how the association of Ireland with the

community of nations known as the British Empire can best be reconciled with Irish national aspirations. If, as we hope, your answer is in the affirmative, I suggest that the Conference should meet at Inverness on the 20th instant.

I am, Sir,
Yours faithfully
(Signed) D. LLOYD GEORGE.

Now the Cabinet discussed of course that letter and the following reply was approved of and sent:

Baile Átha Cliath,
12 Meadhon Fóghmhair, 1921.

Dáithí Uasal Leód Seóirse,
10, Sráid Downing,
i Lonndain.

A Chara,

Níl aon scáth orainn a rádh leat go bhfuilimid lántoilteanach "dul i gcomhdháil chum a dhéanamh amach conus is fearr is féidir an bhaint a bheidh idir an Saor-Chumann Náisiún ar a nglaodhtar Impireacht Shasana agus cuspóir náisiúnta mhuintir na hÉireann do réidhteach." Do chuireamar i n-iúl duit i n-ár litir, 10 Lughnasa, chomh fonnmhar is táimid a leithéid de chomh-bhaint a bhreithniughadh. Dá bhrígh sin tá glaoidhte againn ar DHÁIL ÉIREANN teacht le chéile chum go gcuirimid fé n-a brághaid ainmneacha na dteachtaí atá ar aigne againn a cheapadh chum a ndeimhnighthe. Tá súil againn go mbeidh ar chumas na dteachtaí seo bheith i n-Inbhear Nois ar an lá adeirir, an 20adh lá de Mheadhon Foghmhair.

Ins an nóta deireannach so is dualgas linn a rádh arís go bhfuil an sgéal againn díreach mar a mhínigheamar sa chomhfhreagrachas so é, agus nách féidir gan é bheith amhlaidh. Tá a neamhspleadhchus féin fógraithe ag Éirinn do réir nós na náisiún agus dar léi féin gur saorstát í. Is mar lucht labhartha ar son an tsaorstáit sin amháin agus mar lucht toghtha a cosanta atá ughdarás nó cumas againn beart a dhéanamh ar son ár muintire.

Maidir le "Riaghaltas do réir toil na ndaoine a riaghaluightear" tá sé do réir nádúra go gcaithfidh san bheith mar bhun fé aon tsocrughadh a thabharfaidh an rud is mian linn chum críche, is é sin, caradas seasmhach a shnaidhmeadh idir an dá náisiún. Níor bhaineamair-ne riamh aon bhrígh eile as an dteagasg san ach an ghnáth-bhrígh, an bhrígh, cuiream i gcás, do bhain muintir chomónta an tsaoghail as nuair adubhrais ar an 5adh Eanair, 1918:

"... Caithfear socrughadh na hEuróipe nua a dhéanamh ar bhun éigin réasúin agus cirt nach miste bheith i ndóchas a bhuanuighthe. Dá bhrígh sin is é ár mórthuairim nach foláir riaghaltas do réir toil na ndaoine a riaghaluightear a bheith mar bhun fé aon tsocrughadh liomatáiste a déanfar de dhruim an chogaidh seo."

Siad na focail seo an fíor-fhreagra atá ar an léirmheas do deineadh orainn id' litir dheireannach. 'Sé brígh a baineadh as an uair sin ná ceart a bheith ag náisiúin a tugadh fé smacht impireachtaí i gcoinnibh a dtola iad féin d'fhuasgailt ón gceangal a bhí ortha. B'in í an bhrígh do bhaineamairne as. Le fírinne is é do Riaghaltas-sa a thuigfeadh leis an dteagasg "go mbainfí an bonn ós gach aon stát a sheasuigheann ar thoil na ndaoine agus go gcasfaí an saoghal sibhialta thar n-ais chum finidheachais" nuair a iarann sé cúis chum ár náisiún ársa a stracadh as a chéile agus a liomatáiste do roinnt.

Mise,
do chara gan cháim,
(Síghnithe) EAMON DE VALERA.

(Official Translation).

Mansion House,
Dublin,
Sept. 12th, 1921.

The Right Hon.
D. Lloyd George,
10, Downing Street,
Whitehall, London.

Sir,

We have no hesitation in declaring our willingness "to enter a Conference to ascertain how the association of Ireland with the community of nations known as the British Empire can best be reconciled with Irish national aspirations." Our readiness to contemplate such an association was indicated in our letter of August 10th. We have accordingly summoned Dáil Éireann that we may submit to it for ratification the names of the representatives it is our intention to propose. We hope that these representatives will find it

possible to be at Inverness on the date you suggest, September 20th.

In this final note we deem it our duty to reaffirm that our position is and can only be as we have defined it throughout this correspondence. Our nation has formally declared its independence and recognises itself as a sovereign State. It is only as the representatives of that State and as its chosen guardians that we have any authority or powers to act on behalf of our people.

As regards the principle of "government by consent of the governed," in the very nature of things it must be the basis of any agreement that will achieve the purpose we have at heart, that is, the final reconciliation of our nation with yours. We have suggested no interpretation of that principle save its every-day interpretation, the sense, for example in which it was understood by the plain men and women of the world when on January 5th, 1918, you said:

". . . The settlement of the new Europe must be based on such grounds of reason and justice as will give some promise of stability. Therefore it is that we feel that government with the consent of the governed must be the basis of any territorial settlement in this war."

These words are the true answer to the criticism of our position which your last letter puts forward. The principle was understood then to mean the right of nations that had been annexed to empires against their will to free themselves from the grappling hook. That is the sense in which we understand it. In reality it is your Government, when it seeks to rend our ancient nation and to partition its territory, that would give to the principle an interpretation that "would undermine the fabric of every democratic state and drive the civilised world back into tribalism."

I am, Sir,
Faithfully yours,
(Signed) EAMON DE VALERA.

THE PRESIDENT continuing said he had nothing to do now but to submit to them this as the Cabinet's reply and formally to seek their approval for it.

SEÁN T. O'KELLY said he approved heartily of the terms of the letter that the President in the name of the government had sent to the British Ministry. He thought it was in the minds of all the members here that on no account could Ireland's case be placed on the same level as any British Dominion no matter what measure of freedom that Dominion might have within the Empire. The Ministry were voicing the opinions of the Dáil when they said Ireland was a nation and a sovereign State and should be dealt with as such. They could not in view of their public declarations, and the fight and sacrifice their men had made, and the deaths that many of their men had suffered for an Irish sovereign State and the freedom of that State—they could not forego in any degree whatever the right of that State as a whole to this freedom.

In the name then of the nation the President and the Cabinet had, he thought, clearly expressed the view of Dáil Éireann that in any conference into which this Dáil might enter through its representatives they must enter as the representatives of a free and independent State. They should enter into such a conference without any conditions and must demand that Ireland be treated as an independent State whatever the sacrifice that might be necessary in the future.

He would therefore formally move that the letter of the Ministry be approved and that the Dáil would give them a direction that their letter was couched in a manner which met with their approval and that this Dáil would back them in whatever measure necessary so that Ireland would be treated as an independent nation and that they should do everything possible to preserve the rights of Ireland as a sovereign state.

JOS. McBRIDE seconded the proposal.

SPEAKER then read the motion which was as follows:

"Go bhfuil an Dáil sásta leis an litir do chuir an Riaghaltas ag triall ar Lloyd Seoirse, Príomh-Aire Riaghaltas Shasana, an 12adh lá de Mhí Mheadhon-Fóghmhair, 1921."

PRESIDENT said he thought it only right the Dáil should know before finally approving of the letter that developments had taken place since it was taken over. Their couriers got definite instructions to the effect that at noon to-day the Cabinet intended publishing that document. Of

course he was sure they were all alive to the importance of the second paragraph. That paragraph, in the Cabinet's opinion, was necessary on account of the terms of the last British letter. Had they gone into the conference without restating their position as set out there, there was no doubt that the British Press would have tried to convince the world they had abandoned their position in entering the conference. They could of course have avoided putting in that paragraph by a more diplomatic way, by saying their position was as it had been, but he felt it was absolutely necessary at this stage to state definitely and clearly what their position in their own regard was.

That does not mean that the British would have to recognise them. They could not ask that because the fight was not finished. If they recognised the Republic the fight would be over and there would be no question of negotiations. Negotiations were necessary because they held one view and the British another.

The Cabinet anticipated some possibilities out of this reply and something had already come. From a 'phone message and a telegram which had come from the couriers it would appear that they are anxious that this meeting should be postponed or that they should not take action on that note till they were able to report. He was against that. They had made their arrangements and they meant to stand by them. They wanted to meet them as far as they could. The British public were a party to this as well as the Irish public and therefore the British Cabinet would be anxious not to raise such an issue as that for the present time. He thought if the Irish Cabinet postponed it they could not stand by it as well as they could now. They were today sending a message that this letter was to be published in tomorrow's papers. They had sent a message saying they understood the British Cabinet would like to defer publication but they felt it their duty to communicate this letter to the Dáil today and that they intended to issue it to the Press this evening for release tomorrow.

He wanted the Dáil to bear in mind here in connection with the motion before them they were going to give a vote which if it meant war they were backing the Cabinet up. So it was a serious matter. Every single act at the present time may be an act of eace or war so would they please remember every matter was one of war or peace. He wanted the Dáil to remember when they were supporting this motion they were doing it with a full knowledge of what that second paragraph meant. The Cabinet intended to stand by that to the end. Now was the time to state that. They had stated that here definitely, and if the Dáil approved of the reply, it was committing itself to everything that second paragraph meant. He was ready to answer any questions put to him before they committed themselves. It was a very serious business and therefore he wished them to understand that before they voted.

SEÁN MILROY said he would like to say that not only were the terms of this reply satisfactory to his mind but he thought it well the President should have made the few remarks he did to bring home to the Dáil the solemn responsibilities which this decision carried today. Therefore he thought there was something more than a mere formal and silent vote necessary. If the Dáil today approved of this letter their approval should be articulate and definite so that the Cabinet, when they proceeded to deal with the developments that ensued, would realise they had the whole Dáil and the whole nation standing behind them.

This was the most critical period in their history for the past eight centuries. They should realise this and the decision today ought to be one made in a manner as serious as the circumstances warrant. For his part he was loath to think that the outcome of this note would be war. He hoped the outcome would be an honourable peace between the two nations. But such a settlement could only be based on the principles re-affirmed in this note of the Cabinet. For that reason he strongly supported the motion before the Dáil.

P. MALONEY said it was unusual for him to speak in this Assembly. But on such an occasion as this he felt the silent members should express themselves and he therefore rose to express his wholehearted approval of this letter and of the diplomatic correspondence conducted on behalf of the Dáil. If they had to continue negotiations with the British government let them do it as representatives of the Irish Republic. They had broken away from the British Empire. England knew it, Lloyd George knew it, and all their

trouble for the last few years was to hammer them back again. Let them remain outside the British Empire as long as they could—that was his view and the view of all the people he had been speaking to.

A. McCABE asked where the request not to publish the reply was received from.

PRESIDENT said he got a 'phone message from his couriers in Gairloch which said Lloyd George suggests holding up publication till Thursday till we [*sic*] return. From his previous experience he felt certain they should not change their arrangements. The Dáil was summoned to consider a reply and it was his duty to give it to them.

It was on the basis of that reply only they could negotiate. If they had asked Lloyd George to recognise the Republic he (the President) would say it would be an unreasonable request. Secret negotiations were of a certain value but here was a case in which he thought open negotiation was most valuable. This was particularly a case in which he thought open negotiations were absolutely essential. Therefore he proposed to go forward with the arrangements and ask the Dáil to ratify plenipotentiaries so that the world would see that they were offering no obstacle to negotiations save the main principle on which they stood.

S. ROBINSON asked was there any fear of their jeopardising their position in the first paragraph of the reply.

PRESIDENT said they could not be responsible for Lloyd George's wording. The Cabinet in their note of the 10th August indicated they were ready to consider an association of Ireland with the community of states known as the British Empire. It is a question of whether any form of association with Britain is one which the Irish people could stand for. He felt it was and his Cabinet would have a definite policy to put before the Dáil when the time came. It was absolutely necessary to contemplate such negotiation or else to end the truce. They had to reconcile that position by negotiation or by force. If they could reconcile it by negotiation it was their duty to do so. When it came they would be able to deal with that question. It would be harmful to take it up now. They referred to that particular paragraph in their answer in their own way. By reference to that they intended to make it clear that in whatever manner the British Premier wished it to be read they wished it to be read in their own way.

S. GAVAN DUFFY asked if the President had any information why the British Premier had not called his Cabinet together.

PRESIDENT replied that he thought he had been given plenary powers. Lloyd George was the principal in this whole affair and he probably thought he would have trouble with them and if he could get the terms of the reply altered it would make it easier for him.

PROFESSOR STOCKLEY said he would like to speak in tones similar to those who had spoken before him. There were members here, he thought, who had not spoken and who, if they did not represent another tone, were agents of another tone in many surroundings they had mixed in. He would like to say to them that they were surely wrong and that those people who had been offering suggestions that it was impossible to hold out and impossible not to compromise with the British Empire were entirely wrong. They had failed to learn by the experience of history. In the 17th century at Kilkenny those who compromised ruined the Irish cause. If Ireland was beaten now it may be helpless for this generation, but he did not believe for a moment that their cause was hopeless. The next generation would rise stronger than ever. All people were timid, the mass of people were timid, but all great changes were made by the few, the resolute, undaunted, courageous few.

MISS MacSWINEY said she was hoping those who represented the compromising element in the country would speak and let them have this matter out and give an articulate vote. None of them could shut their eyes to the seriousness of throwing the country back into war. The President had pointed out this might mean war and undoubtedly unless the British received them on their terms it would mean war in a very short time.

Throughout the country there had been a good deal of talk about the impossibility of going back to war and the alternatives

seemed to be a settlement within the Empire. That, she thought would be clear to most of them, was impossible. Association with a community of nations known as the British Empire might be reconciled with Irish aspirations outside but not inside that Empire. An association that would involve any allegiance direct or indirect to the British Crown—that was one point on which they could never give in. If in the final suggestion made by our Ministry it was found possible in order to satisfy the fears—groundless fears perhaps—of the British government that Ireland might take part against her in a future war, if in order to satisfy that they gave her certain guarantees though it looked like a mouse guaranteeing neutrality towards a lion, they could do that provided only that it did not involve directly or indirectly allegiance in any shape or form to the British Crown.

Suppose it were even possible that such a thing could be suggested, the only outcome would be a split on the matter. All that was strong would stand against it and where would the weaklings be?

It was the strong uncompromising minority who had made to-day possible. It would be the strong uncompromising minority that would stand out and refuse allegiance direct or indirect to the British Crown. If the strong stood out against compromise the compromisers would get nothing. The only thing to say to the compromisers was if they stood behind the strong they would get more, if they broke away from them they would get nothing. They, the strong, would go back to 1914 and begin undaunted all over again and they would finish where they wished to stand to-day—under an Irish Republic. Their allegiance was to the Irish Republic. They had taken an oath to the Irish Republic. They had taken that without any reservation whatever and she knew everyone in the country stood behind them. They had no *arrière-pensée* when taking the oath, they meant a Republic not a Dominion inside the Empire. The fact that one could take an oath and not mean it was ethically and psychologically wrong.

Up to a few years ago the majority in the country were West Britons. If a compromise were accepted now that West Britonism would be re-established; therefore the compromisers would gain nothing. They could draw many examples from history. Take the strong analogy that lay between the position to-day and that of the American colonies in 1778. England then made all the promises and offers she was making to Ireland to-day. There were compromisers who at all costs wanted to remain with England. Even those who supported the Republic were divided, and Congress would have accepted a compromise were it not that George Washington and the army stood out. They in Ireland to-day knew they had a George Washington at their head not a Jan Smuts. It was absurd to say they brought the British Government to this stage and could not bring them further. Lloyd George could not go to Washington without this being settled. If they should accept such a compromise they would give away their nationality for the first time in 700 years; they would acknowledge themselves a domestic question of England and would have accepted a position of inferiority for the first time in their history. They would be putting it out of the power of any other nation to say anything on their behalf.

They were not minimising the difficulties. They knew if it meant war it would mean untold suffering, but all that was best if the country were willing to suffer. Those who never suffered, but who were watching their pockets and their own self-interests were the people who wanted compromise. There was always an element who did not want to suffer but those who suffered most realised they suffered for nothing less than the Republic.

Whilst there was even a score of them in the country who would not compromise no compromise could be accepted. The compromiser would get nothing.

It was only in the event of the whole nation agreeing that they would even get a Dominion Status.

There could be no compromise. If it was suggested it would mean they would go back again to 1914 and begin all over again. It would be an unforgivable sin. They had only to stick fast and they would get the acknowledgment of their Republic not without some suffering perhaps, but they would succeed. What had their losses been in comparison to the other nation's losses in the Great War. They had lost nothing like 2,000, and what was that to win a Republic for which our noble heroes had died.

If there were people who did believe in compromise let them now say what they

had to say or for evermore hold their peace.

PROFESSOR STOCKLEY said he rose again just to show that no one should fear the words of great people in England. There was one of them, he said, stated in the time of the American War, "We will not go, we will not even enquire where there is a Congress of Vagrants to be found". Washington did not give in and that same man went as an ambassador from England to the American Republic.

D. KENT said he had the utmost confidence that the members of the Cabinet were doing the right thing. He realised now as he did 35 years ago what compromise resulted in. The late Parliamentary Party since they stopped the Plan of Campaign at the bidding of a few influential landlords were nothing but weaklings, always ready to compromise, and they never got anything in the end. Those very people were now telling them they should accept the offer as a good one and that half a loaf was better than no bread. As far as he was concerned he would not accept half a loaf nor one slice less than he pledged his allegiance to. He felt were they to accept less than the men of 1916 died for, and the men since then, they would be a disgrace to the Irish race. They got a mandate from the Irish people to achieve this liberty, but they got no mandate to barter away Irish rights.

No one here had any anxiety to go back to war, but everyone must be prepared to go back to it if it is inevitable, and if they were beaten they would go down without compromise, and then the Irish race could see that while they were beaten they were no traitors, and then another generation would renew the fight and sooner or later he hoped that what they went down for would be achieved.

K. O'HIGGINS said that his feelings while listening to the speeches made were that they were premature. They were speeches that might be made when and if our plenipotentiaries had gone to Inverness and had returned with terms. Mr. Kent had said they had no mandate but a Republic. That was the position and that was why no plenipotentiaries of ours could go to Inverness on any other than a Republic basis. That was why they as a Dáil should go back to war if Lloyd George stood on his present terms and said he would not confer with us except on an Imperial basis.

When and if the plenipotentiaries returned with the terms it would then be a question for every member of the Dáil to ask himself whether he or she could recommend the adoption of those terms. Further than that he did not wish to raise the matter.

M. P. COLLIVET rose to support the motion. There was no room for argument in the matter.

COUNTESS MARKIEVICZ said she thought the President and his colleagues in the Cabinet had written a magnificent document. They had a simple statement of facts. They had declared for a Republic. They understood the responsibility and they were prepared to stand by the responsibility. Connolly once said to her he could not prevent men from fighting and dying for Ireland if they were willing to do so. They were all pledged to the Republic. She was elected because she had once fought for the Republic and her electors believed she would do so again. That was the feeling of the whole Dáil she believed. They all realized the seriousness of it to-day. When they were elected for the Republic they faced the possibility of a long war, and she was glad that no voice to-day had voiced the possibility of accepting less than the Republic they were pledged to.

MRS. PEARSE said she was probably the oldest member in the House. She had been elected here on account of her beloved boys. She was very happy she had been elected, though she was almost an ornament here, so that the name of a Pearse would be in the first Irish Parliament. But as her beloved boy had stated at the graveside of O'Donovan Rossa they were an unconquered and an unconquerable nation. She wanted to say the same and she trusted and hoped they would remain so. She felt grateful to their beloved President and to all those in charge of their destiny for the manner in which they had dealt with the negotiations and she felt confident they were safe in the Ministry's hands. She stood for the one thing, and she was sure she was voicing the sentiments of the other women members also, what their

men in Easter Week died for, and that was an Irish Republic.

SÉAMUS Ó MURCHADHA (Louth) said the terms of the letter had his whole-hearted support and approval. He felt if he took any other course but that those who sent him here would repudiate him.

P. HUGHES said he rose to support the proposal before the Dáil.

DR. CUSACK said the sting of the letter was in the second paragraph. It was a mere statement of fact and no man who was not a humbug could get up and say he disagreed with it. It would be a different matter when the plenipotentiaries came back. They could not go into the conference except as a sovereign state. The second point was that it was only as representatives of that state they could act. That was also a statement of fact, so he really thought if the Ministry were waiting for a dissentient voice they would wait for some time.

S. ETCHINGHAM said the best endorsement of this letter would be the singing of the Soldier's Song. He did not mean that as a joke. It was their soldiers who had brought them so far and it was to them they would look for victory.

P. Ó MÁILLE said they were all entirely of one mind as to the letter. Some members had been talking as if a number of other Deputies were weakening. It was very easy for a member to stand up here and speak loud but it was another matter when they came to fight, and perhaps some of them would not be got then. The time for speeches would be when the plenipotentiaries came back from a conference with terms for a settlement. There was nothing before the House now but the approval of the letter and he thought everyone was agreed on that.

M. HAYES said he thoroughly agreed with the reply and he could not see how any Deputy could take exception to it. The negotiations had been carried on in a way that left nothing to be desired. This was not the time to make speeches but later on if anything came of the negotiations, when the question of their mandate could be discussed. This letter was one which should give them every satisfaction. Its simplicity was one of its greatest merits.

P. BÉASLAÍ suggested that any further discussion be confined to anyone who wanted to dissent.

P. HOGAN said he had no word of criticism or dissent to make. He agreed with the letter.

J. J. WALSH said he begged to move closure of this discussion. He did not think it necessary for them to get so many lectures on their duty to their country.

PRESIDENT said he would like to make it clear the only reason he wanted discussion was that they would understand fully the consequence of that paragraph and what it might lead to. He had no other intention.

There were two courses open to the Cabinet—to leave out that paragraph which would make it much easier to have the negotiations and simply say their position was the same as it was before; or to put it in as they did, precisely in order to define their position before they entered the negotiations. It was a question of diplomacy. They asked the Dáil now to support them in that course.

Question put and agreed.

## RATIFICATION OF PLENIPOTENTIARIES

PRESIDENT proposed they would then appoint and ratify plenipotentiaries so that he could give a note to the Press for publication to the effect that to-day the text of the letter to the British Premier was read, that the Dáil approved of it unanimously and that the following were chosen as a delegation of plenipotentiaries to continue any further negotiations with the British government.

He then nominated in the name of the Cabinet the following persons as the delegation: the Minister of Foreign Affairs, Mr. A Griffith, as Chairman, assisted by the Minister for Finance, the Minister for Economic Affairs and also Mr. Duggan and Mr. Gavan Duffy. He proposed that these five be ratified as their plenipotentiaries by by Dáil. They could take their names one by one. Also that Messrs. Childers and Boland be secretaries to the delegation,

and that their position was unchanged. As he told them at the last meeting he thought it wisest he should not be a member of the delegation the reason being exactly the same reason that they inserted that second paragraph in the letter, that they wanted to emphasise in these negotiations they were not entering as a political party but as a nation.

He asked them to leave analogies out of the question. Nothing disgusted him so much as introducing analogies when there was no analogy there. Their position was totally different to that of the American States or South Africa, and let them deal with plain facts.

He knew fairly well from his experience over in London how far it was possible to get the British government to go and when they came to that point they would have to deal with the matter in a very practical manner. To be in the very best position for the possibilities of a break down and to be in the best position to deal with those questions as they would arise and not to be involved in anything that might take place in those negotiations—to be perfectly free —he asked the Cabinet not to insist on his going as one of the deputation. They would therefore understand that the Minister for Foreign Affairs should be chairman. There was a question of whether they should send the delegation at all but he took it the approval of their letter meant that the Dáil would approve of the delegation going.

Now his duty was, he said, to propose one by one the delegation for ratification. He therefore proposed that the Minister for Foreign Affairs, Mr. Griffith, should be chairman.

MINISTER FOR AGRICULTURE, A. O'CONNOR, seconded.

MINISTER FOR LOCAL GOVERNMENT maintained the President should be one of the delegation. He had an extraordinary experience in negotiations. He also had the advantage of being in touch already. The head of the State in England was Mr. Lloyd George and he expected he would be one of the plenipotentiaries on the side of England.

DR. MACCARTAN said the Minister for Local Government was out of order. This was a Cabinet motion.

PRESIDENT explained that at a Cabinet meeting it was his own vote put him off and he gave permission the matter could be raised here. There was no analogy; they recognised themselves but no one else did. He really believed it was vital at this stage that the symbol of the Republic should be kept untouched and that it should not be compromised in any sense by any arrangements which it might be necessary for our plenipotentiaries to make. He was sure the Dáil realised the task they were giving to them—to win for them what a mighty army and navy might not be able to win for them. It was not a shirking of duty, but he realised the position and how necessary it was to keep the Head of the State and the symbol untouched and that was why he asked to be left out.

MINISTER FOR LOCAL GOVERNMENT pointed out that this was a team they were sending over and they were leaving their ablest player in reserve. Now it was not usual to leave the ablest players in reserve. The reserve would have to be used some time or other and it struck him now was the time they were required. He formally moved that the President be chairman of the delegation.

ASST. MINISTER FOR LOCAL GOVERNMENT said he differed from the Minister of Local Government on this point and was fully convinced the President should not go. It was a matter of tactics. They had to safeguard the Republic and the symbol of the Republic and to face the unpleasant fact that the plenipotentiaries might have to discuss other proposals than the sovereign independence of Ireland and it was not right the President should discuss such proposals.

COUNTESS MARKIEVICZ said she took the President's point of view.

G. GAVAN DUFFY seconded the amendment to call attention to one point. Were the delegation to be called plenipotentiaries? In Mr. Lloyd George's last letter he did not refer to them as plenipotentiaries and therefore if they sent him plenipotentiaries they would be making him a present of plenipotentiaries with full powers. He strongly urged the President to

consider should he give the delegation this name.

PRESIDENT said he understood plenipotentiaries were people who had power to deal with a question subject to ratification. They would go first with a Cabinet policy and on the understanding that any big question should be referred home before being decided by them. They wanted plenipotentiaries to give to the world the impression that they are sent over with full powers—to do the best they could to reconcile the Irish position with the British position. They should have full powers because if they go over they needed to have the moral feeling of support of the position to do the best they could for Ireland.

As far as he was concerned his oath of allegiance was to do the best he could for the Irish nation. That was the only allegiance he acknowledged, an allegiance to the Irish people and the Irish nation as he conceived it. Their plenipotentiaries would go over to do the best thing they could for the Irish nation and the Irish people. He again warned them of the fact they were sending men to do a thing a mighty army and navy could not do. They had got to face facts no matter how high their ideals were and to deal with a practical situation as they found it. The time was come to get to serious work. The men going over would be going to face a most difficult task. He thought they should be sent as plenipotentiaries unless there was some definite legal objection to that word. But the question did not affect his decision.

MISS MACSWINEY supported the President in his decision not to go. He knew how far Lloyd George would go and if the President had a clear inkling that Lloyd George would not go as far as insisted upon then the mere fact of the President going over would give him to understand the Cabinet had agreed to give in.

One thing she would like to say, she still stood by her analogy. The analogy was correct, the difference was one of degree not of kind and the analogy stood and would stand.

PROFESSOR STOCKLEY proposed the President would not go and that the House would support him in not going.

SPEAKER then put the amendment which was lost.

Original motion was then put and carried unanimously.

PRESIDENT then submitted the name of the Minister for Finance for ratification.

P. Ó MÁILLE proposed and P. Béaslaí seconded that the Dáil ratify the appointment of the Minister for Finance as plenipotentiary.

MINISTER FOR FINANCE said he believed the President should have been part of the delegation. He did not want to go himself and he would very much prefer not to be chosen.

COUNTESS MARKIEVICZ asked what were his reasons.

PRESIDENT said if he were not the symbol he would go. He felt it was absolutely necessary that the Minister for Finance should be a member. It was from the personal touch and contact he had with his mind that he felt and he knew the Minister for Finance was a man for that team. He was absolutely vital to the delegation.

Question put and agreed.

PRESIDENT proposed the Minister for Economics, Mr. R. C. Barton.

K. O'HIGGINS seconded.

Question put and agreed.

PRESIDENT proposed Mr. E. J. Duggan. He was Chief Liaison Officer and had contact with the enemy already. He was also a lawyer.

E. BLYTHE seconded.

Question put and agreed.

PRESIDENT proposed the name of Mr. G. Duffy.

S. T. O'KELLY seconded.

Question put and agreed.

**SECRETARIES TO DELEGATION**

PRESIDENT proposed Mr. Childers, Mr. H. Boland and Mr. K. O'Higgins be appointed secretaries.

J. J. WALSH said he would like to mention that one of the secretaries should have a knowledge of Irish. Lloyd George often reminded them they were not an Irish speaking nation. He had no objection to the three names suggested. He did not want to be accused of holding up the programme but he urged the appointment of P. Béaslaí.

K. O'HIGGINS agreed with Mr. Walsh that someone with a knowledge of Irish should be chosen. It would be a matter of considerable personal inconvenience to himself if he had to go.

PRESIDENT accepted the suggestion that one of the secretaries should have a knowledge of Irish.

P. Ó MÁILLE proposed that Mr. Childers and Mr. Boland be nominated as secretaries.

P. BÉASLAÍ said it was not necessary to have the secretaries ratified by the Dáil at all. He suggested that their appointment be left to the Ministry.

PRESIDENT said he would withdraw his motion and ask the Dáil to leave it to the Ministry to appoint secretaries.

SPEAKER said this was hardly necessary. It would be taken as a matter of course.

S. ROBINSON said there was no representative of the Army on the delegation. Did the Cabinet consider the advisability of having the Minister for Defence on the delegation?

MINISTER FOR DEFENCE said there was no necessity for him to go. He had more useful work to do in Ireland at the present time. The representatives whom they were sending were bound by the replies already given.

PRESIDENT said they could expect from developments there would be a campaign against them on account of the second paragraph of the reply and an attempt to get at our own people and make it appear they were asking for recognition of the Republic as a precedent for entering the conference.

In order to meet that properly it would be necessary for them to show they were in earnest and that it was a letter with a purpose and to show the sincerity of their purpose they should publish at once that plenipotentiaries had been appointed as follows. He thought that should be published to-morrow at the same time with the announcement that the Dáil had considered and confirmed the reply sent to Lloyd George.

S. ETCHINGHAM suggested it would be better to publish a statement this evening.

PRESIDENT said the Director of Publicity had a communication ready to give to the Press which was as follows:

"PEACE CONFERENCE

Dáil Éireann met in private session in the Mansion House at 11 a.m.

The Cabinet reply to Mr. Lloyd George was read and unanimously adopted.

In view of a possible conference with Representatives of the British Government, the following Plenipotentiaries were unanimously ratified:

Mr. Arthur Griffith, Minister for Foreign Affairs, Chairman.

Mr. Michael Collins, Minister of Finance.

Commandant R. C. Barton, Minister of Economic Affairs.

Mr. E. J. Duggan, representative of Meath and Louth.

Mr. George Gavan Duffy, Irish Envoy at Rome, representative of Dublin County.

The Private Session ended at 2.30."

W. SEARS asked if the Director of Publicity could have an understanding with the two nationalist papers not to allow the correspondence columns to be open to defeatist letters.

MISS MACSWINEY said some representation should be made to the papers on the point of how they referred to the enemy government. They never used the word "President" before the name of de Valera and they referred to their Cabinet as "Irish Leaders".

PRESIDENT said he had already made representations. It was a difficult thing to do; they did not want to muzzle the Press but to give it as much liberty as they

possibly could without interfering. He realized the harm they were doing and it was very difficult to make themselves realize it. Public discussion would be forced upon them about those issues and they could not muzzle the public in those matters. If they attempted to do it there would be a rising tide that would sweep the barrier. It was better to let the water trickle through.

G. GAVAN DUFFY asked could not the correspondence be published in Irish as well as in English.

PRESIDENT said that could be done.

M. P. COLLIVET asked why not compel them to give equal freedom to both sides.

PRESIDENT said as far as he knew there was perfect freedom on both sides now.

## PRIVATE NOTICE

DONAL O'CALLAGHAN moved for leave to propose the following motion: It is hereby decreed (insert in full)[1].

LIAM DE RÓISTE seconded the motion.

THE SPEAKER after some discussion ruled the motion was out of order.

D'éirigh an Dáil ar 2.30 p.m.

1. The motion in full was not inserted but the following description was written into the record as a footnote: "A Bill to enlarge the powers of the Corporation of Cork for the reconstruction of the City."

# TUAIRISC NA nDÍOSPÓIREACHTAÍ

14 Nollaig 1921 go 6 Eanáir 1922

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# REPORT OF DEBATES

14 December 1921 to 6 January 1922

# DÁIL ÉIREANN

Private Session

Wednesday, December 14th, 1921

PRESIDENT DE VALERA: I suggest that if there is any matter that requires clarification in the minds of members that they should ask questions. Now I would like everybody clearly to understand, and the delegation on the one hand and we on the other have agreed to this, that the plenipotentiaries went over to negotiate a Treaty, that they could differ from the Cabinet if they wanted to, and that in anything of consequence they could take their decision against the decision of the Cabinet, but of course they would know the consequence. They would know what they were deciding against. If I was on the delegation I would have taken a different view from Mr. Griffith on one point. Now I wish to explain to you that a Cabinet team has to work so well together that at critical moments like this it should be unable to act together as one man when you have fundamental differences that you cannot get rid of. I have only one thing to say, one thing I feel hurt about, with respect to the delegation, and that is that a Treaty was signed in London, and when I heard of it first the signatures were appended to it. As I came in the door of the Mansion House I was given a signed copy of the document, and it had already been given to the Press in London. It was then about 7.15. Now it probably would not have altered the final position a bit, but what I did feel was that if I was of any use to my country it was that I was able to keep the two groups together. I considered myself of no other avail. I considered at least I might have the chance of getting that unanimity which was so essential at the moment. My tactics would have differed from those of the delegation. I stood away from the delegation because I thought the tactical position was stronger. I do not hesitate to admit to anybody that I went out for peace from the moment of Lloyd George's letter to me. I went out for peace if I could secure it honourably, and I felt it my duty to do so. I struggled for it. I battered down the wall of the isolated Republic to do it. I saw that I would have to batter down that wall. I said when I was elected as President that as far as I am concerned my oath was taken to the Irish people—I mean my oath was taken on the Irish side—it was referred to this morning in the *Independent*. Some of you I know voted for me as President because I was for an independent Republic, that in the eyes of many meant an isolated Republic—and I was also voted for by people in the country who thought that if there was anything like that which is now before the country I would not use my influence to get it rejected. I therefore represented two groups. When I went down to Clare I primarily represented the Republic and I felt that my first obligation was to the group in which I stood, and everybody knew that I stood definitely for the Irish Republic. I have tried to keep the country together as well as the members here together, and I have also showed that I never made a statement that I was altogether for the Republic or nothing. I was careful on that point if you go through anything I have said at any time. I have been perfectly consistent. I have been classed as a moderate. So I am. I believe I am a moderate. I frightened some members here in the Dáil before I was elected as President when I said, "This oath to me is not going to bind me to do anything but what I consider right and honourable and best for the Irish people". It was on that consideration you took me, and on that consideration I am going to stand. I felt at the same time in honour bound if I could by any honourable means to get an isolated Republic. It was my duty to the people to do it. That has been my effort all the time to get that, and if I could not it was a question of tactics to leave it in the

hands of others who might be able to do it. Expecting peace by negotiation I started to break down that wall. I opened a path. The plenipotentiaries were sent because they were likely to be people whom the British Government would be induced to try and do business with. I knew the men perfectly. It would not be quite the team I would have sent were it not there might be personal differences among members of the Cabinet which would prevent them working together as a team. I suggested they were the best team I could get, and I felt that we could do the work here because we were in constant communication. At a certain stage a certain question was being put to the delegates. I saw that the question was coming. I do not like hobble skirts. I would have opposed the oath for this Assembly if I could because I do not believe in binding yourself up in hobble skirts, for human nature is such that you come to the time when you kick them off. Then this question had to be decided. I was here and I was considering the whole circumstances. I would have said "No", though I might not have said "No" before. I would have said "No" in the circumstances because I felt I could have said "No" with advantage to the nation. On October 25th I wrote this:

> "I received the minutes of the seventh session and your letter of the 24th. We are all here at one that there can be no question of our asking the Irish people to enter an arrangement which would make them subject to the Crown or demand from them allegiance to the British King. If war is the alternative, we can only face it, and I think that the sooner the other side is made to realise that the better."

That decision was taken with the full knowledge of the consequences and I took it that time because I said to myself if they publish their proposals we will put up ours and stand behind, and let them go to war if they dared. If they did we would be perfectly right. If I am in prison and a man says to me you can go out and walk round the roads if you give me your parole that you will not escape I would say I will not give you my parole. I will use my chance to get out of the prison house anytime I can. If you ask me to give my parole I would say no and do your downdest.

MR. GRIFFITH, MINISTER FOR FOREIGN AFFAIRS: Would you mind reading our reply?

PRESIDENT DE VALERA: Yes. Now a man will say to you, that is all right for yourself, but are you going to decide like that for hundreds of thousands of other persons. I give only one answer to that. I know what I would do for myself. Then if they ask me to decide for them I will decide for them as I would decide for myself. They have ultimately the right to decide for themselves. That is my position. That letter of mine to the chairman of the delegation drew from the delegation a note which I could not understand to tell you the truth. Would you like me to read it all or only portion of it?

A. GRIFFITH, MINISTER FOR FOREIGN AFFAIRS: Read it all.

PRESIDENT DE VALERA: Letter to me from the delegation dated October 24th, 1921. (Reading)—"Your letters reached me this evening. It is impossible for me, with the engagements we have this evening and the time at my disposal to deal with all the matters. I have got a meeting of the delegates and secretaries. The delegates regard the first paragraph of your letter No. 7 as tying their hands in discussion and as inconsistent with the powers given them on their appointment and Nos. 1 and 2 of 'Instructions to Plenipotentiaries from Cabinet' dated 7th October." I could not see that for one. I simply gave the decision. The delegates considered that was tying them and they sent this letter in protest signed by everyone of them. Another paragraph was: "Obviously any form of association necessitates discussion of recognition in some form or other by the head of the association." That is a perfectly true statement but they were to form an association that would be compatible with the aspirations of the Irish people. We went over the form of association that would be consistent with the aspirations of the Irish people. There was nothing in my letter which should have drawn that answer. (Reading): "Instruction 2 conferred this power of discussion but required before a decision was made reference to the members of the Cabinet in Dublin". That is perfectly true. We simply told them what position we would take. I didn't

wish to limit their powers of discussion. I was the strongest advocate that they should have full powers of discussion. There was no use in sending them if they were to be figureheads. There was no question of withdrawing powers. (Proceeding): "We strongly resent, in the position in which we are placed the interference with our powers". Again I hold there was none. "The responsibility if this interference breaks the very slight possibility there is of settlement will not and must not rest on the plenipotentiaries. As to your coming to London"—it was suggested by the Minister of Finance that I should go over. I had the same reasons against it then as I had at first. I said if circumstances arose which would alter my previous decision by bringing up new points I was willing to go. (Reading): "As to your coming to London, we think, if you can come without being known, it is important you should do so immediately. But if you cannot come privately do not come publicly unless we send you a message that in our opinion it is essential." Of course it would be out of the question my going privately. In reply to that I wrote: "Yours of October 26th received. There is obviously a misunderstanding. There can be no question of tying the hands of the plenipotentiaries beyond the extent to which they are tied by their original instructions. Of course a Cabinet decision cannot be withdrawn or varied except by the Cabinet as a whole. It is because this should go without saying that I am surprised any misunderstanding has arisen. The delegates must understand these memos of mine, except I explicitly state otherwise, as nothing more than attempt to keep you in touch with the views of members of the Cabinet here on the various points as they arise. I think it most important that you should be kept aware of these views, for when the delegation returns there will be a question of a Cabinet decision as to policy. My going to London—I am glad that your view agrees with my own on the matter. You may take it that going privately is impossible".

Later I wrote a letter to Mr. Griffith with regard to procedure—on November 17th—and I said even if we are able to arrive at an agreement with them in substance the form of procedure will be of the utmost importance. The consistency of our position must be maintained on our side but that is the whole thing in this—that association which would in fact mean something very like what has been signed. Such an association with I think proper and delicate handling could be brought about which would be quite consistent with our position. I say anything they could do constitutionally they could not deal with it otherwise than by a Dominion Act. The one catch—the big catch in that Treaty proposal is that when it comes to a Dominion Act you are not going to have that Treaty; you are going to have resolutions in the British House of Commons, when it comes it may be a Dominion Act. We will see if that position is reached. It will not be easy to devise procedure which will satisfy both sides. In order that they might start from their own angle we gave the plenipotentiaries a roughly drafted treaty which they might proceed for as a basis. It is most unfortunate that we have had these differences of opinion. I believe it is the grandest chance for making peace—a peace that we would all be delighted with, from the point of view of our strength and everything else—has been lost in a few hours and it is not because I am against peace but because I am for real peace (Hear, hear) that I am taking this attitude I have taken, and I hope that when this matter is thrashed out that it may be possible for us to yet make a final effort to get real peace. Now, having said that, I think I have said all I have got to say about it. The plenipotentiaries, I repeat, had a perfect right to disagree with the Cabinet and a perfect right to sign but when Mr. Griffith came over—I came up from Clare—when he came over he gave me a document which was very near the final stage. I told him definitely I could never sign that document. At the Cabinet meeting on the following day the matter arose again and Mr. Griffith pointed out clearly and [*recte* that] he would not break on the Crown. I was willing to break on the Crown because I said again, "we will present our two documents", but he said he could not in his conscience break on the Crown because it meant going back to war and he did not think we were in the position in which we could fight a war. It was pointed out by certain members of the Cabinet that it would have meant a split inasmuch as they would not in any circumstances accept the Crown and it was up to him was he going to split the

country on such a proposal. That was the position. It was suggested, as I was strong on breaking off if necessary on the point, it was suggested that I should go over now and a new situation had arisen, and I was ready to go over to break, at least I would have been ready but for one thing that was against it and that one thing is that Mr. Griffith coming over on a breaking question my going over would be interpreted as anxiety on our part and likely to give in. I did not want this interpretation to be placed on my action, and that extra little bit I wanted to pull them and hoped they would be pulled, could not be done if I went and therefore I was balancing these. Now Mr. Griffith in discussing with another member of the Cabinet said, "well then I will not break on the Crown but I will not sign". It would be presented to the Dáil and therefore I felt that I was presented with a *fait accompli* in the signed document. We have been presented with a *fait accompli* in that signed document and that is the whole difficulty and I would do anything I could to try to restore the position to what it was but I could not allow it to be understood by the country that I was assenting to that document and that the Cabinet was assenting to the signing of that document.

CATHAL BRUGHA, MINISTER FOR DEFENCE: The other member of the Cabinet to whom he refers was myself. There was some rather heated passages between the chairman of the delegation and myself. Now, at the finish as the President has pointed out, the chairman, when I put it up to him that this would mean a split—and by the way I may say this, first at the Cabinet meeting and I repeat now what I said at the Cabinet meeting the last few days, I am satisfied for what I know of each individual member of the delegation, that they have done according to their lights, what they thought was the best for the country, and although there were heated passages between Mr. Griffith and myself and between Mr. Collins and myself it was merely because we differed in opinion. It was not because I doubted their honour. I never suggested such a thing. Mr. Collins said to me and to those of us which [*sic*] are against the four fundamentals that were in this Treaty that has been signed and which are in the document presented to us, "If you are not satisfied with us, get another five to go over." Now if the undertaking that Mr. Griffith gave later on—that is the one the President has spoken about, that he would not break but that he would not sign: he would come back to the Dáil—if the undetaking had not been given I would have taken Mr. Collins at his word and I would be in favour of another five going over, but it was because the undertaking was given that I was satisfied and went back to Galway in a happy frame of mind because I knew if they could not satisfy their consciences they were going to come back and leave it to the Dáil.

MICHAEL COLLINS, MINISTER FOR FINANCE: I have a suggestion to make, apart from anything Mr. Griffith says or I say afterwards. I think it would be right for the members of the Dáil to be in possession of what I call the essential documents and I suggest that there are three essential documents—the semi-final document from the English side to our side which we brought back to Ireland, and the document from our side to the English side which followed that and which give what I call the best impression of what occurred and the final document from the English.

THE PRESIDENT: The Secretary of the Delegation—

THE SECRETARY [ERSKINE CHILDERS]: I have all these here but I have only one copy.

THE PRESIDENT: —of course I don't know whether I would be in order in speaking. Perhaps Mr. Griffith—

A. GRIFFITH, MINISTER FOR FOREIGN AFFAIRS: One thing, as I said at the beginning, is to keep the minds of every member clear as to what happened in the beginning. There was a suggestion that the plenipotentiaries exceeded their powers. President de Valera has explained to you now that they did not do so and that he did not intend to make that suggestion. We did not exceed our powers. We had powers to sign anything we considered it well to sign and the power of the Dáil was the power of ratification, but we were not going to sign anything we did not think the Dáil might not honourably and properly accept. During the whole of the time we

were there we sent every night a courier to Dublin, with details of everything that happened, to the President. I understand that copies were made. I think there were five copies sent one for each of the Ministers, so that day by day each of them was acquainted with all that was going on, public conversations and private conversations.

Various documents passed between both sides. Copies of these documents, every scrap of paper that passed, were sent to the President and the Cabinet. On the Saturday before we signed we had arrived at a crucial stage. We had fought in the beginning, we had tried the Republic, we had tried neutrality and we tried a proposal which hereafter will be read to you. We had driven them from position to position on other points, but on this they were standing on a rock. I came back on the Saturday. I had written the day before to the President that now we were up against the Crown and Empire and we had to face it, and I asked for some suggestions from the members of the Cabinet in Dublin. I got none.

THE PRESIDENT: I am sorry for interrupting you but the Minister of Finance took over a special document which I had sent along. It was not a complete document but it covered the vital points.

A. GRIFFITH, MINISTER FOR FOREIGN AFFAIRS: We will get that document afterwards. I merely want to get the facts clear in the minds of the members here. I came back on the Saturday to Dublin. I attended a Cabinet meeting. I went back to London that evening. I told the President we brought back what seemed to be the final proposals of the English Cabinet. I said we were now up against this question of the Crown and the inclusion in the Empire. I told him that I would not break on the Crown if the other points we wanted were conceded, because if we did we could not carry our own people with us on the mere point alone and we would throw all the Dominions against us. I said I would not take that responsibility. We suggested for the President himself to go to London but for reasons which I know are perfectly cogent in his mind he decided not to go.

THE PRESIDENT: I had not made up my mind until you had given the undertaking that you would not sign.

MR. GRIFFITH: Mr. Cathal Brugha and you were speaking to me on the subject then and they asked me if I would not break on the Crown I would not sign that document and I said I would not. I also said that I intended—and the minutes of the Cabinet meeting will show what happened—

> "... President and Dáil to reject."
>
> "The Minister for Defence was in perfect agreement with the President. The only matter upon which he could disagree would be the question of recognising the King of England as head of the Associated States."
>
> "Mr. Griffith would not take the responsibility of breaking on the Crown. When as many concessions as possible conceded, and when accepted by Craig he would go before the Dáil. The Dáil was the body to decide for or against war."
>
> "The President took his stand upon these Irish proposals which meant external connection with the Crown. He suggested the following amendment to the Oath of Allegiance:
>
> 'I ..... do solemnly swear true faith and Allegiance to the Constitution of the Irish Free State, to the Treaty of Association and to recognise the King of Great Britain as head of the Associated States'."

THE PRESIDENT: That was taken down by Mr. Duffy across the table. I was only showing how to get around the thing that was objectionable, but surely nobody would take a thing like that until it was presented.

MR. GRIFFITH: I am reading the official minutes of the Cabinet meeting.

THE PRESIDENT: I say these minutes were never signed and never read and never adopted.

MR. GRIFFITH: Let me finish them (Reading):

> "(*c*) Delegates to carry out their original instructions with same powers.
>
> (*d*) Delegates to return and say the

Cabinet won't accept Oath of Allegiance if not amended and to face the consequences, assuming that England will declare war.

(*e*) Decided unanimously that present Oath of Allegiance could not be subscribed to.

(*f*) Mr. Griffith to inform Mr. Lloyd George that the document could not be signed, to state that it was now a matter for the Dáil, and to try and put the blame on Ulster.

(*g*) On a majority vote it was decided that the Delegation be empowered to meet Sir James Craig if they should think necessary. The following voted for and against:

FOR
President de Valera
Minister for Finance
Minister for Foreign Affairs
Minister for Economics
Minister for Local Government

AGAINST
Minister for Defence
Minister for Home Affairs

(*h*) It was decided that the President should not join the Delegation in London at this stage of the negotiations."

Continuing MR. GRIFFITH said: Now there is the position on the Saturday. We went back to London and we met these people on Sunday and fought straight up and down all day. We nearly broke on Sunday night. We did make a break as a matter of fact but we went back again on the Monday morning and we started in. That Monday evening Lloyd George was sending his final reply to Craig. Craig had called his Parliament for the Tuesday and with the definite assurance I had got Lloyd George the previous week held back for another week. We fought all day and he had two letters written to Craig and they were going off at 10 o'clock that night. One letter was informing him that the negotiations were broken off with us and the other was putting this proposal to him and is now my Treaty. We had the alternative and we had to face the alternative of making the decision. Then I tried to get them to put it back for a week to get back to the Dáil. I could not get it done. We had to take a decision. We were plenipotentiaries. If we did not take a decision then—if we left the place the people of Ireland would have very properly come to us and say, "We entrusted you with powers to make a decision and you hadn't the courage to do it. You have thrown us back into war without our knowledge." We did make a decision and we made the decision—when they came to us they said, "Will you be within or without the Empire". We said if you give us this and that we will propose that to the Dáil. Under these circumstances we have signed that document and we have come back with the document now. Attempts have been made to create in the public mind the impression that we went there pledged to the Republic and pledged to bring back nothing but a Republic. I want you to recollect all that happened. I would not have gone there, nobody in his senses would have gone there, in such circumstances. If we wanted the recognition of the Republic as a preliminary we could have said so. We were sent to negotiate a settlement. When we were sent I stated to the Cabinet I would strive to bring back a Republic but I could not bring back the Republic. No member of the Cabinet had the slightest misunderstanding.

PRESIDENT DE VALERA: None whatever.

MR. GRIFFITH: We went there to get the best settlement possible consistent with the honour and the interests of Ireland. That is how we regarded ourselves. We believe we had got the best settlement consistent with the honour and interests of Ireland. An attempt has been made, not by President de Valera but outside, to make it appear that we went there with more or less definite instructions to take a Republic and nothing but a Republic, whereas we were sent there to do our best, in effect to make a bargain. In a speech at the Dáil on August 17th, Mr. de Valera, spoke of mutual give and take, said they were ready to meet and adjust this on the basis of mutual give and take. In the same speech he said, "If it was demanded of me that before going to negotiate with the British Prime Minister I would first of all have to renounce our

independent right I would not have gone. If, on the other hand, seeing the claim that they are putting forward I made a demand before I went, that Britain ought to acknowledge our right absolutely then I might have been held to be unreasonable because then there would have been no question of, or necessity for, negotiations". Once you start negotiations you are going to give away something and you are going to get something. At the general election the question was put to the Irish people to say what form of Government they wanted —how they wished to live so that they might have an opportunity of working out for themselves their own national life in their own way and the answer the people gave was unmistakable. "I do not take it", said the President, "for the form so much because we are not Republican doctrinaires as such. It was for Irish freedom and Irish independence". Well, we have brought back Irish freedom and Irish independence (No, no and question). Ireland is as free as Canada and Australia (No). I don't mind the members arguing with me. I object to being interrupted. We say and we contend that we have brought back a satisfactory answer. It is for the representatives to decide whether we have not but let them argue it out hereafter. If we were to bring back the full demand we would not have been sent at all. President de Valera met Mr. Lloyd George last July and Mr. Lloyd George made certain proposals to him. These proposals involved the acceptance of the Crown and Empire. President de Valera did not immediately reject them.

PRESIDENT DE VALERA: He did not sign them.

MR. GRIFFITH: He thought it consistent with his position to bring them back and place them before the Dáil although they involved acceptance of the Crown and Empire. He considered he was bound to lay them before the Dáil.

THE PRESIDENT: The point is just what I did with Lloyd George's proposals. I was against his idea from the start. If I could get peace by negotiation, a peace we could stand by, I was out for it. Now, I got those proposals. I saw that they would not bring peace, and I am against these because they won't bring peace to Ireland. I flung them back at him. I didn't even take them from his room. I said these are no use to us. I went away and I suggested to our representative in London that as they were signed anyhow it was something in writing that we had from the British Government. There would be a thing we could proceed from and I thought it would be useful to have that signed document and I suggested that when he met the Prime Minister's secretary that he might suggest that he might as well send them back. They are signed documents. I rejected them there and then and if you looked at my reply after the Dáil had seen them you would see that I confirmed that rejection. You will see in my note—it says: "The anticipatory judgment which I gave you, I am now able to confirm, having submitted them to Dáil Éireann" or something to that effect. I did not see there was any use in proceeding along that line at all. I had tried to tell Lloyd George that there was no chance of getting along on that particular line. I suggested an association.

S. MILROY (Cavan and Fermanagh): I think it is most unfair for the President to get up and make a speech in the middle of a speech.

THE PRESIDENT: I admit that. I am sorry.

MR. GRIFFITH: I felt obliged to lay them before the Dáil and that was the point. In letter 14, written by the President on September 19th he wrote:—

> "A treaty of accommodation and association properly concluded between the peoples of these two Islands and between Ireland and the group of States in the British Commonwealth would, we believe, end the dispute forever and enable the two Nations to settle down in peace, each pursuing its own individual development and contributing its own quota to civilisation, but working together in free and friendly co-operation in affairs of agreed common concern."

—which of course was perfectly clear. In letter 16 he wrote:

> "We have received your letter of invitation to a Conference in London on October 11th with a view to

ascertaining how the association of Ireland with the community of Nations known as the British Empire may best be reconciled with Irish national aspirations. Our respective positions have been stated and are understood, and we agree that conference, not correspondence is the most practical and hopeful way to an understanding. We accept the invitation, and our delegates will meet you in London on the date mentioned to explore every possibility of settlement by personal discussion".

We explored every possibility of a settlement for eight weeks and in the end we brought back this Treaty. Now I know what is going to be said about it. If we brought back heaven and earth we would be blamed. Before I went away I said: "Whatever the plenipotentiaries bring back some one is going to kick them", and I said, "If so I am going to kick back". We have brought back a Treaty and as to the definition of a treaty, when the Boers in 1881 beat the English what they got was—England insisted that the Boers' right was established and England insisted on controlling the foreign affairs of the Boers and putting in a British President and insisted on the right to march her troops across the Transvaal, and the Boers agreed to that. When they asked for a Treaty in '84 on these lines the English Government replied, "No, we are only making a convention". A treaty is an instrument between two sovereign states. England has concluded a Treaty with us—the first she has concluded in her history. That Treaty gives Ireland an equal status with England, Canada or any country in the Commonwealth and places them on an equal level. The guarantee Ireland has now for her security against England is the joint guarantee of Canada, Australia and the Dominions. Any invasion of our rights is an invasion of theirs. In questions of foreign policy, peace or war our voice is equal to that of England. We have brought back the name of the State, the army, the flag, and it is for Dáil Éireann to say whether they believe that is dishonourable to Ireland and whether they will declare war; but we were not prepared to say to the people that Ireland is not to go to war against that; but if they do I will follow in the ranks but I will never lead under such circumstances.

S. MACENTEE (Monaghan): The matter he is dealing with now could have been dealt with in a public session. He is defending the principle. Have we not got into something of an impasse? Was not the matter with which the session was to deal in private to decide whether the delegates had exceeded their powers or not?

THE SPEAKER: State what is the point of order.

MR. MACENTEE: That we are discussing in private session the Treaty itself. The chairman of the delegation had not originally opened his statement.

THE SPEAKER: That is not contrary to order, inasmuch as these are shut out from discussion at the public session.

MR. MACENTEE: It is out of order to discuss it in private.

THE SPEAKER: Clearly not.

MICHAEL COLLINS, MINISTER FOR FINANCE: I object to members making speeches in the middle of important statements.

MR. GRIFFITH: I am stating views which I will state in public session. The thing I want you to remember is this—to decide whether we exceeded our powers. I understood President de Valera to agree.

PRESIDENT DE VALERA: There is no question of exceeding powers but to know how this team broke.

A MEMBER: and we want to get together again.

MR. MACENTEE: The private session was to know how it was broken. I think both sides have a fairly good idea as to the real facts and there is no longer any necessity for a private session.

THE SPEAKER: If you wish to make a representation to a member, in order, while he is making a speech you must make it by note of hand and privately.

MR. GRIFFITH: I want to understand that the difference between us and the members of the Cabinet at home in the end was not the vital difference between

the Republic and the Crown. It was a difference of the degree of recognition of the Crown; a difference between the degree of the Oath of Allegiance; and on that principle, that small difference to ask the people of Ireland to go back to war is a thing I will never do. What we got was better. There was no vital difference of principle and what we signed, I signed it not under a threat of war—I would not have signed it under any threat of war if I believed it dishonourable to the country, but if it had not been for the immediate prospect of war I would have come to the Dáil before signing it. I stand by it on the merits and I believe the Irish people if they accept it will a month hence see the British troops out and our own army in.

MR. GRIFFITH then said he had only that morning received a letter from Mr. Lloyd George which he would read. Having failed at the moment to find the letter Mr. Griffith added—I cannot delay the discussion. I have the letter somewhere and will read it later.

THE SPEAKER: There was an arrangement that there would be Whips and that the people who wished to speak would make arrangements through the Whips. I don't wish to enforce any rigid order now in this private discussion but when we meet again in public it will be necessary to have much more rigid order than at the opening this morning. It was very difficult for a person presiding over an assembly of this kind to call to order those who have principal responsibility for the affairs of the country. But instead of that he must expect to have their fullest co-operation in maintaining order. I wish to point out that there is nothing gained by departing from order and that the gain is only imaginary. There will be time enough and we can take all the time necessary. From every point of view I appeal to you to assist in having these proceedings conducted in the best possible order. With regard to the grave and important decision you have to come to, the more carefully you set about it, from every point of view the better. Constant contradiction and corrections raise the temperature and that is what we have to avoid. There is no gain to anyone in raising the temperature of the discussion. In the country we want to have it at a proper level. Where there are Whips it would be possible for those who wish to make speeches to arrange it and that is better than to stand up on the spur of the moment.

MR. GRIFFITH, MINISTER FOR FOREIGN AFFAIRS, then read the following letter received that morning from Mr. Lloyd George adding that it was written to cover questions of doubt that might arise:

"10, Downing Street, S.W. 1.
13th December, 1921.

Sir,

As doubts may be expressed regarding certain points not specifically mentioned in the Treaty terms I think it is important that their meaning should be clearly understood.

The first question relates to the method of appointment of the Representatives of the Crown in Ireland. Article III of the Agreement lays down that he is to be appointed 'in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointment'. This means that the Government of the Irish Free State will be consulted so as to ensure a selection acceptable to the Irish Government before any recommendation is made to His Majesty.

The second question is as to the scope of the arbitration contemplated in Article V regarding Ireland's liability for a share of War Pensions and the Public Debt. The procedure contemplated by the Conference was that the British Government should submit its claim, and that the Government of the Irish Free State should submit any counterclaim to which it thought Ireland entitled. Upon the case so submitted the arbitrators would decide after making such further enquiries as they might think necessary; their decision would then be final and binding on both parties. It is of course understood that the arbitrator or arbitrators to whom the case is referred shall be men as to whose impartiality both the British Government and the Government of the Irish Free State are satisfied.

The third question relates to the status of the Irish Free State. The special arrangements agreed between us in Articles VI, VII, VIII and IX, which are not in the Canadian constitution in no way affect status. They are necessitated by the proximity and interdependence of the two islands—by conditions, that is, which do not exist in the case of Canada. They in no way affect the position of the Irish Free State in the Commonwealth or its title to representation, like Canada, in the Assembly of the League of Nations. They were agreed between us for our mutual benefit, and have no bearing of any kind upon the question of status. It is our desire that Ireland shall rank as co-equal with the other nations of the Commonwealth, and we are ready to support her claim to a similar place in the League of Nations as soon as her new constitution comes into effect.

The framing of that constitution will be in the hands of the Irish Government, subject of course to the terms of the Agreement, and to the pledges given in respect of the minority by the head of the Irish Delegation. The establishment and composition of the Second Chamber is therefore in the discretion of the Irish people. There is nothing in the articles of Agreement to suggest that Ireland is in this respect bound to the Canadian model.

I may add that we propose to begin withdrawing the Military and Auxiliary Forces of the Crown in Southern Ireland when the Articles of Agreement are ratified.

I am, Sir,
Your obedient Servant,
D. Lloyd George."

MISS MACSWINEY: Will this letter be read in public?

MR. GRIFFITH intimated that it would.

DR. MACCARTAN: I want to ask a question. Is it a *fait accompli* or what are we talking about, and if at a public session or any other session will the President say if he intends to submit an alternative to the Treaty proposed at the present time—if he intends to submit a policy as an alternative?

MR. MICHAEL COLLINS: The suggestion I have to make was to meet things that Dáil members had been expressing views about. Dáil members have stated that they were in the dark about certain things. At no stage while I have been a member of the Dáil have I denied information to any member who asked me on Dáil matters. I have no intention of doing it now as I think that the vital documents should be in their hands. I am not certain that the delegation met to consider among themselves that we have to agree with the British authorities about that. I don't think we have to agree with them about a document that we put in as a joint document when there was agreement in the one they put in in reply to the final document. But it would be of importance to the Dáil that these documents should be in their possession. If the delegation think they are in honour bound not to submit them I can only say we should first arrange to get permission to submit them. There is one point about the signing of this. It is only a point. It occurred about half past one o'clock in the morning and a question was asked direct across the table from Mr. Lloyd George to Mr. Griffith. We had been fighting about the alteration of certain clauses and he said: "If we alter those to what you want will you recommend this document?" Mr. Griffith said, "yes". That committed us as well as the signatures. When we were asked for our signatures I thought it was an advantage to have their signatures and if we came back with an unsigned document they would be able to say, "They have not signed it: they're codding you".

PRESIDENT DE VALERA: I want to answer a question. I was asked whether it was a *fait accompli*. I say that I of all people if there was one member of the Dáil or one person in Ireland who had a tremendous responsibility I had it. You will all admit that my duty would have been were it not for another point of view to have been with the delegation. I was captaining a team and I felt that the team should have played with me to the last and that I should have got the last chance which I felt would have put us over and we might have crossed the bar in my opinion at the

high tide. They rushed before the tide got to the top and they almost foundered the ship; and as I was captain I have a right to show that it was not through my fault as captain that it has been done. It was a *fait accompli* but the position can be restored somewhat. I have a proposal such as I would have tried to write. If they broke I would have written final proposals and I would have been as much against Cathal Brugha and Austin Stack if they went on one side as I would against Arthur Griffith and Michael Collins on the other. It is possible to get what will really be such as we can accept. There are differences that may be regarded as shadows, but they are more than shadows—the things that matter for us. If to the Crown and His Majesty's Ministers in this country these things are not shadows for them; but the Irish Army and the Irish Ministers if they are mere shadows, why should they be grasping for the shadows, and why should not we? I wanted to clear these shadows because they meant an awful lot. We have the country supporting definite proposals. It will be the mischief to get the English out of the position they are in. If we go we will be divided and a Provisional Government set up in Dublin Castle will be as a matter of fact legally as much a usurpation as the other on the present proposals. I want to get proposals and it could be done by delicate handling. I am excusing myself to the Dáil as the captain of the ship and I can only say it is not my fault and I am trying to recover the position. My proposals may not suit one or the other and if you don't reject them I will do my best.

MR. CATHAL BRUGHA, MINISTER FOR DEFENCE: And the ship has not foundered yet.

MR. BARTON, MINISTER FOR ECONOMIC AFFAIRS: The Minister for Finance has made a statement. I am not in agreement with that and it will be necessary for me to say so now, otherwise it might be charged against me that the statement was made, that I did not contradict it and my objection might go by default. The Minister of Finance stated that Mr. Griffith made his reply that he agreed and that we were as much committed as when we signed. I say we were not. No member of the delegation was committed except Mr. Griffith until he signed. My reason for saying it is not my own personal recollection. I will quote Mr. Griffith's letter[1].

MR. MICHAEL COLLINS, MINISTER FOR FINANCE: I assented and my assent meant as much as my signature.

PRESIDENT DE VALERA: A private word meant a public signature. It was for himself. But it is all over the world that the men have signed. That is the difficulty.

LIAM DE RÓISTE (Cork): If this conveys the idea of a Government and of an Opposition the difficulty some of us feel is—where is the Government and where is the Opposition? It is within the province of the Dáil to ask the Ministers to resign and have a new Cabinet.

PRESIDENT DE VALERA: Until you remove me I am President. I have a right to ask any Minister to resign, and when I got that document, only I felt it would have given a wrong impression if the Dáil had not met so soon, I would have asked these members to resign, because you must have a united Cabinet. But this cannot continue beyond this session. We must have an agreed Cabinet. It is for that reason we are working in this way and as Ministers talking at each other.

The Meeting adjourned for luncheon at 1.20 p.m.

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On resuming after luncheon the Speaker took the Chair at 4.20.

MR. SEÁN MILROY (Cavan and Fermanagh): Am I in order in resuming the discussion?

THE SPEAKER: Yes.

MR. SEÁN MILROY (Cavan and Fermanagh): I want to express the feelings and the oppressions of a private member upon to-day's proceedings. It does seem to me that it is a most extraordinary thing that Ireland should be thrown into the vortex of a great cleavage and on the brink of war for the trifling, small, pettifogging points that have been brought up to-day. I think,

1. This letter is not entered on the record.

members of the Dáil, that we must realise that we are here with a very grave issue before us—one that affects the future of Ireland for generations to come. And it is not because a certain point of punctilio and procedure may have been neglected by the plenipotentiaries that their country is going to be thrown back into the vortex of war; and I as a private member demand that before we come to discuss this Treaty that we are supplied with all the agreed statements that went from the Dáil Cabinet to Downing Street in order that we may know exactly what is the issue, so that this discussion and to-morrow's debate will not be fought and decided upon a false issue. As we came in to-day we heard certain members of the public shouting, "Up the Republic". Ever since this controversy arose the impression on the public mind has been that one section of the Cabinet has been standing for the Republic, and the other standing for the Treaty. That is not the issue, and this decision will not be allowed to be decided upon that issue. Now there are some other points raised. We are told that this Treaty should not have been signed before it was brought back to the Dáil. It is not a question that the plenipotentiaries were within their rights in signing it, but the wisdom of their doing so has been questioned. I want to point out what an unenviable position Ireland would be in to-day if that Treaty had not been signed. If Ireland's delegates had not signed it, neither would the British delegates have signed it and our delegates would have come back here. The same cleavage would probably have occurred, and we would have been just where John Bull wants us to be—split in two and England committed to nothing. But despite the fact that the cleavage has taken place Britain through her delegates is committed to certain big things, and Ireland can have those if the Dáil agrees to have them. She would not have these within her reach if that document had not been signed. I do want to ask the responsible members of the Dáil to remember that they are not dealing with school children and that Ireland is not going to be treated like a class of schoolboys. Ireland will not stand trifling with great and sacred national issues and the man who thinks that at this stage that things which may mean life and death for the nation are going to be decided upon small petty points does not understand the temper of Ireland. Ireland means to have peace to-day if she can have it and Ireland will sweep aside any man or any body of men that stands between her and peace with honour.

MR. STACK, MINISTER FOR HOME AFFAIRS: Hear, hear.

MR. MILROY: Therefore I trust that in any future discussions we may have that the members of the Dáil will rise to the seriousness of their responsibilities and remember that this is not either a class of schoolboys or a debating society, but that it is the Parliament of the Irish nation, where the future of Ireland is going to be decided for generations. If we keep that level we will be keeping these things in their proper perspective.

MR. DAVID CEANNT: I think Mr. Milroy's remarks are most uncalled for. I think every man has come here to give his opinion according to his own conscience and nothing will deter us from doing so. We all know what the consequences will be but we are here to act according to our conscience and the members of the Dáil will not be dictated to. These remarks of Mr. Milroy's are a threat to the members here and we will not stand it.

MR. SEÁN MILROY: Mr. Ceannt misunderstands me. I did not mean to dictate to anybody.

MR. KEVIN O'HIGGINS (Leix): I wish to make one point and one only, and it is a point that I think should save time in this Assembly. We have heard this morning a great deal of talk as to why this last final document was not shown to the captain of the ship before it was signed. Now the answer to that to my mind is that that final document could never have been produced to the Cabinet or An Dáil otherwise than over the signatures and backed by the recognition of the plenipotentiaries. There was first an objectionable defence clause, an objectionable trade clause and an objectionable clause with regard to the North-East and Lloyd George said: "If I have to fight I will keep any friends I have in Ireland, but if you will sign this document I will bulk these three things. Your improvements on the defence clause, your improvements in the trade clause, and your improvements on

the Ulster clause and I will give away in these three things if you sign". The final document could never have been produced to the captain of the ship otherwise than over the signatures of the plenipotentiaries.

MR. SEÁN McGARRY (Dublin): I would like to ask one question. We have been here since 11 o'clock this morning, and we have heard a lot of arguments, but I don't know yet what the difference between us is. Are the President and the people who are voting with the President taking the stand on this Treaty, that there should be a Republic or are they taking their stand on this Treaty that there should be something else? I think every member of the Dáil is entitled to know definitely what we are going to vote on. We want to know exactly where we stand and what we are voting for. If we are voting on the question of a Republic we understand the position, but if we are voting for something else we must understand what it is.

MISS MARY MacSWINEY: We want now to get every document concerning this matter. The Minister of Finance suggested that there were three documents that we should have and I suggest that we should get them without further delay. I also suggest that we should get every bit of correspondence between the delegates and the British Prime Minister. I don't see when we are in private session why anything should be kept back from us. The Minister of Finance suggested this morning that they should consult the British delegation as to whether they should give us those documents. I maintain that we have the right to ask that these documents be submitted to us in secret session. Every member of the Cabinet is bound to submit to the Dáil, and the Dáil is bound to submit to the country, and I demand every single document, private letters and everything else written by any member of the delegation or received by any member of the delegation during the course of the negotiations. I am quite sure that the Dáil will support me in that. We must know where we are. Mr. Milroy suggested that we were not schoolboys or schoolgirls or a debating class. We are here with a full sense of our responsibility and we don't need Mr. Milroy or anyone else to tell us what our responsibility is. I call on the President and on the delegation to produce every document and the crossing of the "t's" and the dotting of the "i's" that has passed on this matter.

MR. MICHAEL COLLINS, MINISTER FOR FINANCE: Mr. Speaker, I have to explain one point. What I have said this morning has I hope not been deliberately misunderstood, but it has been misunderstood. What I said this morning conveyed this. We as a delegation went into private sittings with the members of the British delegation. Reports were made. We agreed on both sides that these sittings were to be private; we agreed in this sense that there were to be no secretaries taking official notes. I have no intention of breaking my word wherever it was given or whatever it was given for. I have here on this file every document that passed between us, but there were no private letters between any of us and members of the British delegation. Any one of us would not have regarded any such letter as being private from his colleagues at any time.

MISS M. MacSWINEY: I never meant that at all. I meant every detail that was submitted to the Cabinet and British delegation must be submitted to us now.

MR. MICHAEL COLLINS: I do claim your protection, Mr. Speaker, for not being interrupted when I am speaking. I think that you ought to give me at least that much consideration. I have suggested that vital documents be produced to the Dáil. I have suggested it because I wanted clear issues. I didn't get any support from any member of the Dáil in that. I suggested it twice and no member of the Dáil suggested that it would be an acceptable thing. I shall read a vital document that was agreed on by the Cabinet, and I shall read them all if you like.

MR. FAHY (Galway): With the permission of the Minister of Finance I suggest that we should have one copy of these three documents before we go into public session to-morrow—the statement that the whole Cabinet signed, the agreement that they were willing to accept, the one that they refused made by the British delegation, and the final Treaty so that we can compare the three of them and see where the difference lies.

THE SPEAKER: It is not necessary as a matter of order that you make that suggestion now.

MR. DAN McCARTHY: Those interruptions are not points of order. They are most unfair.

MR. FAHY: The reason I made it was that it would save the Minister of Finance–

THE SPEAKER: You are not in order.

MR. MICHAEL COLLINS: Not only that, but I have here my own documents which I used at No. 10, Downing Street, with my own notes and changes. I am prepared to go over every word of it. I have no wish to conceal anything and I have never done it. I say these documents are the vital documents and it is only a question of our word given as delegates. I ask the delegation if they thought they were committed to the British delegates in publishing these things. I believe we are not in these final documents but I believe we would want to get their agreement to publish the earlier documents. I for one would be for publishing and giving them to the members of the Dáil. The delegation should think how far they are in honour bound to ask for permission to publish the earlier documents, and we could withdraw now and consider that. I consider we are bound in a few particulars but I do not think we are bound to withhold any kind of publication of the latter documents because they were given under somewhat similar [*sic*] circumstances from the earlier documents. I only want to make it clear that I have a certain doubt as to whether I am committed to give certain documents without letting the other party know that I am giving it. I have no objection if they are published throughout the world; but for the moment I am in the position of a delegate who agreed we would not do certain things and I want the other delegates to know I am doing it. So long as I am clear on my conscience on that point I don't care. If the other members of the delegation think they were committed to inform them it is for us to decide, and I think at any rate all the delegates ought to withdraw to consider that point, but I am perfectly clear in my own mind that the latter documents were not given under the same conditions as the original ones, and the original ones are really not of vital importance because all the original documents were documents hedging on both sides; you were fencing with them and you were putting in perhaps a problematical point, one that you might get some agreement on, or might be successful in getting some discussion on. Any person who ever took part in negotiations knows that you do such things as that. There is nothing whatever to be concealed not only from the members of the Dáil but from the whole world. We have all the documents to the smallest extent, even to any meeting where one of our couriers went to hand a document or their secretaries handed in a document to us. But without committing members of the delegation I believe that certain documents on this file cannot be disclosed. Every document is here that we handed in, even to the original published correspondence and a copy of every letter that came from the Cabinet to us and went from us to the Cabinet. More than that we have some newspaper cuttings which questions were asked about and an article I wrote myself.

MR. GAVAN DUFFY: I would like to make one suggestion. It seems to me that the proposal to publish a document or two at random does not get us any further. I would suggest that the right thing to do in order that everybody may understand that the delegation has nothing to hide from the members of the Dáil to go through the whole file and to report what documents they consider vital and to give them over to the Dáil. Some of those documents are vital and some are not. It is perfectly easy to satisfy everyone by appointing a committee from this meeting to go into the documents and to report what documents they consider vital, or in fact if they consider all the documents vital. That would settle the difficulty and bring us down to business.

MR. P. HOGAN: There is one document which is the really vital document. It is the difference between two sections of the Cabinet. There was a draft treaty prepared at the Cabinet meeting and approved of by all the Cabinet at the Saturday meeting.

THE PRESIDENT: No, no. If I might say as chairman of the Cabinet there have been suggestions of some document that was agreed to by the whole Cabinet. I say there is no such document in existence. I

had a habit whenever the plenipotentiaries and the Cabinet came together to try as it were to take stock. There were two sections of the Cabinet holding very strong views in different directions as it appeared in the end; but it was absolutely necessary that we should, in order to get what I hoped I could get, a united Cabinet policy, finally step by step take stock. On this Friday on which I was called from Clare Mr. Griffith brought to me a second document. I looked over it and I said, "I will not sign it", because the decision that conveyed to my mind had been taken back weeks before. Next day we had a Cabinet meeting. This document was produced and working all the time as I was from a point of view which had been sanctioned by the whole Ministry—that of external association—I looked over this and suggested certain changes. I had not the responsibility of drawing up the final wording. I had the responsibility of looking over them when they came up finally. I suggested certain changes. I asked certain other members of the Cabinet what they thought of this or that in the document. Just imagine there was an oath in one of these documents—"And the King as head of the State and Empire". I said, "That is impossible; that is not external association; that is inadequate and if there is an oath at all it should run something like this." I dictated verbally a sort of change in this and it was taken down by one member of the plenipotentiaries.

MR. MICHAEL COLLINS: Who?

PRESIDENT: I know it was taken down by one member from my dictation. I never saw that in writing. Now imagine a person talking of assenting to something he had never seen in writing.

MR. GRIFFITH: Something he had proposed himself, President de Valera.

THE PRESIDENT: Something I suggested by way of change. There is a question for instance of whether we stand for the Republic or not. I said from the start we stood for external association. I was always on for external association. I had to make up my mind whether we would face war. We had either of two things to do, either to surrender and consider it or let them go and wage war against us. With that alternative I took definitely my decision. This is the document and apparently I can see from the suggestions that my sitting down and reading this over and saying, "That won't do", expecting the final document under the instructions number three would come back so that I would read every line of it. The oath is the oath to be taken by the members of Parliament to the Irish Free State. The Irish Free State—Saorstát na hÉireann. That originated in this way. When I was over with the British Prime Minister he looked at my notepaper and he said, "You need not change the name of your state". That was very simple for him. So the Irish Republic as a name being repugnant to them it was suggested I think by Mr. Griffith that the Irish Free State was a good name. I never objected to the name. I believe the Irish people had the right to choose their own name. If the name mattered I would have chosen for instance the Free State of Ireland. Even if we were an outside external association it would have the right to choose its own name. Now this is the oath as I saw it: "I solemnly swear true faith and allegiance to the Constitution of the Irish Free State and to the Community of Nations known as the British Empire and to the King as the head of the State and Empire". Looking over that and criticising it simply that they might have our views I said, "It is obvious that you cannot have that or anything like 'and the King as head of the State and the Empire'. You could take an oath of true faith and allegiance to the Constitution of Ireland—something like 'to be faithful to the Treaty of Association'." I have not a record of it, but something like to be faithful to the Treaty of Association between Ireland and the British Empire, and to recognise the King as head of—there was a question of what the name should be, and I said something such as the head of the Association. The first time I saw it I said that it would not do at all. That it might be recognised individually instead of collectively. That document was taken back. It was the last I saw of it, and it was considerably altered; but I expected that any verbal alteration I suggested in that would come back to me in type form and that I would have an opportunity of going over it line by line and saying that if you go on that we won't have a united Cabinet. We took stock in that and I made certain suggestions and we regarded that these

principles were pretty well finished. They went back and the next thing I heard was the signed document.

MR. MICHAEL COLLINS: No, Sir, it is not the vital document at all.

THE PRESIDENT: Let us have it. I don't know of anything else. I am trying to find out what the vital document is.

MR. HOGAN: Are we getting a copy of that document?

THE PRESIDENT: As far as I am concerned the secretary of the delegation has all the copies. Any documents that are there they are at liberty to have them. If the Dáil wants it I will give the whole correspondence and they can see it all.

MR. HOGAN: It is agreed now that we are entitled to a copy of that document which we want. I suggest that copies of that document be printed and circulated to members before to-morrow morning.

PRESIDENT: We sent the delegation over with a draft treaty, marked A.A. I expected a whole series of changes from A to Z and the thing they took over to-day might be changed in an hour and turned into quite a new document. Surely a fight that has lasted for 750 years and negotiations that have lasted six months could have lasted for another couple of hours to get satisfied.

MR. GRIFFITH: That won't do Mr. President.

MR. O'KELLY (Sceilg): Let a committee be appointed to investigate the documents, leave them before us but not to take documents out of their places and simply [*sic.*], by leading us into a wilderness.

MR. MILROY: I think the one document that is wanted is the last document handed to the plenipotentiaries at the Cabinet meeting.

THE PRESIDENT: I say there was none. It is nonsense. There was no such document from the Dáil. I was expecting to get the thing back in a form in which I could go over it.

MR. MICHAEL COLLINS: There was a document given on the 18th November. We have not suggested that there was a formal agreement at the Cabinet. I said at the delegation meeting that we had to come to certain decisions promptly, and I said the document handed in gave a faithful impression of what was our view and what was the view of a united Cabinet. On the 18th November a document was handed in which I propose to read.

MR. J. J. O'KELLY (Sceilg): Will the motion be put?

MR. GRIFFITH: I object to this burking of the discussion. We want this document of the 18th November which was before the document produced.

THE SPEAKER: Before you read that we will take a decision on the motion that has been proposed.

MR. GRIFFITH: A statement has been made that this document of the 18th November was before the Cabinet for a fortnight.

MR. COSGRAVE: It is in the matter discussed by the President that I wish to say a few words. There was a statement made by the Minister for Finance and I understand controverted by the President, and it is on that I wish to speak.

THE SPEAKER: Could you make that statement when we have disposed of this motion?

MR. HOGAN: I think my motion that the particular document which Mr. Collins wishes to read now is the one prepared [*recte* proposed].

THE SPEAKER: There is no seconder.

THE PRESIDENT: I beg to second it.

THE SPEAKER: I have ruled that the motion before the House is that a committee be appointed to examine the documents, and you will take a decision on that motion.

MR. MACCABE: I second that motion.

1. In another copy the word "simplify" and not "simply" appears.

THE SPEAKER: I put that motion that the committee be appointed to report what documents should be disclosed by [*recte* to] the Dáil.

MR. McCARTHY: When that motion is carried does it debar the Minister of Finance from reading his afterwards.

THE SPEAKER: No. It is now moved by Mr. Gavan Duffy, and seconded by Mr. O'Kelly, "That a Select Committee shall be appointed before which the documents and correspondence shall be laid and that it be their duty to report to Dáil and supply An Dáil with a copy of any documents considered vital".

The motion was carried unanimously.

THE PRESIDENT: It would be necessary for that committee to know what the Cabinet said about these documents. Now, for instance I was talking a moment ago of one document here—

MR. McGARRY: On a point of order, does it matter what the Cabinet said about certain documents?

THE PRESIDENT: I still insist on my right to say that it has been said that a certain document was taken back and was practically passed by the Cabinet. I say there was no document taken back and passed by the Cabinet in that way. At the Cabinet meeting I got a certain document and I passed certain criticisms on that. I now ask also that I be allowed to speak. I have served every one as well as I can and I think the time has come at least when I should get a certain amount of respect from certain members of the Dáil (applause).

MR. McGARRY: I think it is very unfair for the President to say that about me. He knows there is no one in Ireland has more respect for him than I have. I think that now when a decision is arrived at that he should not try to influence the committee by saying what documents ought to be brought forward.

THE SPEAKER: It does not matter. The President has a right to influence the committee if he wishes.

PRESIDENT: I want nothing other than that every member here should know truth and the whole truth and nothing but the truth.

MR. GRIFFITH: May I ask that the Cabinet minutes be also put in evidence.

COUNTESS MARKIEVICZ: I ask whether the Cabinet minutes became a real minute until they were approved and signed.

THE PRESIDENT: I say there is never a case where a Cabinet's minutes, to my knowledge, has been brought before me to sign for the simple reason that they are left to the secretary as a kind of record of what happened. They are sent out then sometimes to Ministers as Cabinet decisions if orders are given.

MR. GRIFFITH: I wonder what use the Cabinet minutes are?

PRESIDENT: I say they are a record. A rough summary of what the secretary thinks has taken place. He is an independent witness. I have found him to be a magnificent independent witness; but the Cabinet minutes are not minutes in the proper sense. The minutes of an assembly are supposed to be things that each member who is present stands by. You cannot stand by a thing when you don't know what is written in it. If the Cabinet minutes are accepted I want to know whether these Cabinet minutes agree with what I think took place. At no time has this matter been brought up before us. I make my proposition to this committee which is to investigate the documents and it is that a long series of documents may be very interesting, but they will mean nothing as far as this controversy is concerned. The real point which has to be settled is whether a certain document which was taken back to London was an agreed document. I say that there was nothing in type that I ever saw taken back to London that represented my views. There were certain verbal things and there is a document here which might be the one and which so far as I can see would represent fairly accurately what I would not break on. If I have such a document under this article 3 of the instructions I would go over it with my pen and make alterations that I would be willing to stand by. I spent a portion of last night drawing

up a document very like this except some objectionable things in this have been eliminated. If this were the proposed and signed thing I would not be on the opposite side.

A MEMBER: There are no two sides.

PRESIDENT: I have got the right to see if this document represents my views. There are two different views on it.

MR. LIAM DE RÓISTE: Not in the Dáil. We all stand for the one thing in the Dáil.

PRESIDENT: We have got to see that. This controversy is painful to me because I have never engaged in anything of the sort and it would never have occurred if the document had been submitted to me before it was signed because we would have a definite written protest against it. As regards this document here of December 4th I would ask the secretary of the delegation to say definitely what his impression is with respect to the history of it.

MR. McCARTHY: I must object. We must get in order some way or the other. When the Minister of Finance attempts to read a document he is howled down.

PRESIDENT: It is the same document.

MR. COLLINS: It is not.

MR. O'KEEFFE: I hope there are no two differences in this Dáil yet. Now there is evident heat on both sides of our Cabinet. They are our Cabinet still, but we are their masters and if they don't conduct themselves I am telling you this—that if we don't conduct ourselves the Irish people will make us. I feel for the President —I know he is over-worked and I feel for the delegates—I know they too are over-worked; but I would appeal now for coolness and drop this what I call in common language—snarling and don't be giving the common people of the Dáil a bad example. If you proceed in the regular way we will get on nicely and I hope with the good judgement of all the members of this Dáil that we will settle this little difference and don't open the breach but let us try and close it.

MR. SEÁN T. O'KELLY: As a result of the motion that has been passed would you ask for the appointment of that committee and let all the documents and minutes be put at their disposal to clarify their minds and to assist us in clarifying ours. I ask you to insist on this being carried out.

COUNTESS MARKIEVICZ: I would like to suggest that the minutes be not put in as minutes till we form a war Cabinet. I would not call a minute a minute until it was re-read at the next meeting and signed by the chairman. Put them in as secretary's notes and I will agree.

ALD. COSGRAVE, MINISTER FOR LOCAL GOVERNMENT: I think a member of the Cabinet has at least some right in an assembly like this. Shortly, what happened was this: when the Cabinet met at 12 o'clock on Saturday they perused the instrument which the British Government were prepared to adopt. The Cabinet met at 12 and adjourned at 1.30. They met again at three and adjourned at seven. I think I spoke at 6.30 and at that time I said I won't take that oath; the delegation asked what would they put in instead and the President said substitute your own. I felt then that the delegation did not get justice from us. They were in the heat and thick of controversy with a British delegation in close touch with their own Cabinet, while they were 24 hours from ours. They could not possibly get back the views of the other members of the Cabinet to be in time for the discussion on the matter before them. I will go further and say I believe the President, with all due respect to him, and the Minister for Finance are both wrong when they say the Dáil was not committed to the terms signed by them. The plenipotentiaries have committed the Dáil by reason of their action according to a point of law.

MR. CATHAL BRUGHA: English law?

ALD. COSGRAVE: No, but international law of which nobody here knows the first tittle.

PRESIDENT DE VALERA: They have not treated you as a nation. Southern Ireland is the term they themselves say.

ALD. COSGRAVE: I did not interrupt

the President although there has been no one who violated the order of debate more than the President. Plenipotentiaries were appointed by the Dáil, but plenipotentiaries were unfortunately not appointed by the English Parliament. That was not an accident on their part. It is unfortunate no one knew the precise international law governing the matter at the time. The point made by the President regarding the President of America is not analogous. The President of America was not a plenipotentiary in the sense that our plenipotentiaries were. They were part and parcel of the assembly that sent them there. As far as the Cabinet is concerned I never got any interpretation of international law on the subject. I have made the other two points clear as I understand them and as I believe occurred.

DR. FERRAN: Is there any necessity for ratification when the Treaty is now a fact according to international law?

THE SPEAKER: I am glad that question has been put to me. There is a motion that a committee be appointed. The motion is not that I appoint a committee. Will some member move the appointment of the committee?

ALD. MACDONAGH: I propose a committee consisting of 6 be appointed.

MR. MULCAHY: I propose Professor Stockley, Miss Mary MacSwiney, Dr. MacCartan, Micheál Ó hAodha, Kevin O'Higgins.

PRESIDENT DE VALERA: I object. If you appoint one member of the Cabinet you must appoint all.

MR. KEVIN O'HIGGINS: I am not a Cabinet Minister.

MR. MULCAHY: I will leave my contribution at 4 then.

MR. BÉASLAÍ: I suggested one representative of the two different points of view be appointed to assist the committee.

MR. COLLINS: I suggest the Whips be appointed.

MR. MULCAHY then moved that Professor Stockley, Miss MacSwiney, Micheál Ó hAodha, Dr. MacCartan, P. Hogan be appointed as a committee.

PRESIDENT DE VALERA: I would like one thing—we are just getting the discussion into a way that it is going to confuse the real issue and creating suspicions in the mind of every member of the Dáil. I would not like any suspicion to arise. To make things clear perhaps the Minister of Finance or the Minister for Foreign Affairs would tell us of the contents of the document or read it.

THE SPEAKER put the motion to the House and declared it carried.

PRESIDENT DE VALERA: Who is to supply the documents? I take it the Secretary of the delegation, and checked either by the chairman or the Minister of Finance. I have the letters passed between the delegation chairman and myself and I am quite ready if the chairman is agreeable that they should be made available for the Dáil.

DR. MACCARTAN: Instead of heated discussion across the floor of this House I think we should consider how we will conduct the public meeting. I wish we could conduct it in the same spirit as the proceedings this afternoon. The President says he intends to discuss an alternative. I would like that the whole situation be discussed as we shall approach it to-morrow, and not appear to-morrow as we did to-day without knowing what we are going to say or likely to say.

MR. SEÁN T. O'KELLY: What motion is the present speaker speaking to?

DR. MACCARTAN: There are some things we should like discussed in private session. The Headquarters Staff of the Army may have some statements to make and the Minister of Finance may have something to say. I would not like Michael Collins saying in public session that he signed this document in the full knowledge that the I.R.A. were not fit to continue the war or something like that. We should rather he make it now before the public session.

MR. COLLINS: Mr. Speaker, apparently I am going to be hanged without even a chance of speaking. Whatever else

does happen it is obvious to every member here that I may have a case to put yet. I have not stood up once this day without being interrupted. Let the members of the Dáil say it is fair and I am satisfied. Surely it is not fair.

MR. J. J. O'KELLY rose to speak and there were cries of "Order, order".

SPEAKER: I am Speaker here and so long as I am it is my business to call members to order. I am going to rule with a rod of iron in this matter.

MR. COLLINS: I still cannot rise without interruption. There is no other assembly in the world where a member on equal terms with the others would be consistently interrupted each time he got up. It is not the position that would appeal to people with public representatives. I think it would be a very much better indication of good faith if the members who have interrupted might refrain and put themselves under that much restraint while I am speaking. I cannot believe it will do them any real good. Surely most of you will admit I am not getting a chance. Our [*recte* On the] question of submitting the documents to a committee I don't believe they will have concluded in time for the morning. There is one finance memo alone took a committee of experts several days to prepare. It is a vital document. There are many other documents but they are not vital in the main issue. If the committee does not get to work at once they will not be ready for the public session in the morning. Anything I have to say will have to be said in public. I have been put in this position that I will have to appeal from the unfairness of the Dáil to that decent body—the general public.

MR. GRIFFITH: The President spoke about the publication of these documents. These documents cannot be published without the consent of the other side. That was the agreement from beginning to end of the conference.

PRESIDENT DE VALERA: I left it altogether to the delegation. What they do is altogether a matter for the delegation. I don't suggest publicity outside so far as I am concerned.

MISS MACSWINEY: I think we are rather talking at loggerheads. Regarding this private session we want to get over any difficulty that might cause a difference of opinion to members of the Cabinet without giving unnecessary details to the public. Moreover, the Treaty being signed may have been influenced by the state of the army or of the exchequer. Therefore if we are going to talk over the why and wherefore of the Treaty's being signed it is inevitable these questions should come up. Instead, however, of getting down to fundamentals we have been talking around the question. A few moments ago I asked for every document and the Minister of Finance thought I was finding fault with him. If that is so he must have misunderstood me. I am sorry but I meant absolutely no reflection on him. I asked for 3 vital documents, but with regard to the finance document which took several days I suggest that for another day. I submit this matter altogether if giving up the documents can be cleared up as between the President and the chairman of the delegation. We want to have these undercurrents swept away. We want to be as one if we can. I do not know if any proposal was handed to the delegation or not. It might be possible a project was made that many could accept and I could not. I am a doctrinaire republican if you like. The point at issue is to get the necessary documents. That will stop the President from saying the other side were unfair and the other side from saying the President was unfair. That is most unworthy of this Assembly. We are led to understand that the delegation came back after doing a certain thing they were not empowered to do. That is the suggestion of the President; if not actually suggested he went very close to it. If the President is wrong then it is for the Dáil to reprove him if they think fit. We want to see the documents to prevent this blaming of one side by the other. If we go back to war again—and I am afraid we shall have to—then matters relating to the army and finance must be discussed in private. Better to postpone to-morrow's public session till 3 o'clock and if we can't meet then postpone the public session to the morning. I want the documents which are of importance in the acceptance or refusal of this Treaty.

THE SPEAKER: You are a member of the committee.

MR. MICHAEL HAYES: Miss MacSwiney's point of view is absolutely correct. We are not asking the committee to go through all the documents relating to the Treaty but the documents necessary to find out the relations between our own Cabinet and the delegation.

THE SPEAKER: We meet here in order to transact the affairs of the country at a time of crisis, but this meeting has changed into the aspect of a trial or impeachment of certain persons for what has taken place in the past. Is this true or is it not?

PRESIDENT DE VALERA: It is true. That is practically what it is.

MR. BARTON: I can clear up one point. I am a member of the Cabinet and the delegation. There was no agreed document between the Cabinet and the delegation. At a Cabinet meeting we discussed a document and the members of the delegation went back to London with certain personal impressions from that discussion. There was no agreed written statement. The members of the delegation in London differed themselves as to the interpretation or impression they took away from the discussion.

MR. P. BRENNAN: The thing we are discussing is whether this Treaty is acceptable to the country or not. With all respect to the members of the Cabinet if they are not prepared to fight we can chuck them out and appoint a new Cabinet. We are doing damn all.

PRESIDENT DE VALERA: This is the most painful experience I have ever had in my life. I was compelled to make a public statement with reference to the Treaty because everybody would assume that the plenipotentiaries and the Cabinet would be in agreement if I did not. The matter would have gone by default and it would have appeared that we would have all agreed that this was an acceptable Treaty. It was not acceptable to me as one. The suggestion that I also would have accepted that document was based on my own attitude which is an independent one in the Cabinet. I have my own view. I stated I went to get peace that we could all stand by. A final document was brought over to us on Saturday. I believe if the document was altered in a certain way it could be made the basis of an agreement which could be accepted by all. That I do not say was the opinion of all the Cabinet. I misled nobody. There was no doubt as to what my position on fundamentals was.

MR. KEVIN O'HIGGINS: We cannot change one comma of the Treaty. We must ratify or reject it. There was a document discussed on Saturday which formed the basis of a treaty. That discussion took place in the Cabinet and our plenipotentiaries went back and put in an alternative to that which would command approval of a unanimous Cabinet. It is true that a united Cabinet was prepared to recommend to you a settlement which would give Ireland an external association with the British Empire, involving the King of England as head of the States, and voting an annual contribution to his Civil List.

ALD. MACDONAGH: I would like to ask the chairman of the delegation four questions. He mentioned in his statement that there were other points he wished to exchange for the Crown and inclusion in the Empire. No. 1 is this, What were the points that the chairman of delegation said he would want in exchange for the Crown and inclusion in the Empire? No. 2, Does the chairman of the delegation agree that he gave an undertaking to the Cabinet that he would not sign the Treaty before submitting it to the Dáil? No. 3, Was the chairman of the delegation aware that the English Prime Minister intended sending the letter of [*recte* to] Sir James Craig on the 5th instant; and if so did the plenipotentiaries sign under duress? No. 4, Are we to understand in view of the statement of the Assistant Secretary for Local Government that the delegates drew up wholly or in part the clauses referring to the partition of Ireland?

MR. GRIFFITH: I will answer those if Mr. MacDonagh will pass them over. Since this issue has been put before the people it has been represented as one between a Republic and what we have secured. That is a false issue. From the official note of the Cabinet meeting of November 25th it is agreed that Ireland should recognise for the purposes of association, the group of states making up the British Commonwealth, and that a sum be voted annually to the King's Civil List as head of that group. So that the choice is between what

we have signed, and what the Cabinet were prepared to accept and in which they were willing to recognise the Crown and vote sums to the Civil List.

PRESIDENT DE VALERA: To make my point clear I drew up proposals which I would submit to-morrow and which I was prepared to stand by. There was a question of either a make or a break, and in case they had broken we would have published our proposals as counter-proposals. I had intended to propose in the Dáil articles of agreement as an amendment to the proposed Treaty and give them to you for acceptance. They represented the distance to which we could go. We were prepared to accept external association recognising King George as head of the group with no reference to Ireland. Further, that we could give him a sum for such services as he rendered as head of the group. I, for one, would be prepared to give him that. If you have a managing director of a group there is no reason why one member of the group did not give him a contribution. We here would be well rid of him at that price. The difference between us is this. On one case we have the King as King of Ireland, and the Irish Ministers as His Majesty's Ministers. In the other case you would not. In the first case you were prepared to accept the King of Great Britain as King of Ireland, under promise to keep faith with him as if he had a national right to expect faith from you. I would have been prepared to sign a document which would make Ireland an external associated State of the British Commonwealth of Nations. It is not a new idea, but an old idea with us from the very start. The meaning precisely of such an agreement would be this: we are not part of the British Commonwealth but we would have the right to enter into a League of Nations and, if we wanted to, into association with France and England and other nations of the League. If England, Spain and France formed themselves into a group they could recognise the King of Spain as head of the group, but the President of France would not be head of the state and the people of Spain would owe no allegiance to the President of France. By accepting the King of England as head of such group it meant a thing which you could do and a thing which you cannot do without sacrificing your independence. It would be *ultra vires* as a matter of fact to pass the motion to-morrow. It would be *ultra vires* to ratify the motion because it is absolutely outside our power, or the power of any Irish Parliament to vote away the independence of the country. We were elected to be guardians of the independence of the country. We were not elected to change the form of government by swallowing this Treaty, and then handing over the government of this State to a foreign head. If you do, it will be a nullity. Either as a political party, or as we are the Parliament of this nation, you can't do it; and if I were a President like the President of America I would deal with any government [that] put up such as that as a usurpation and use all the army at my command to prevent it until the people had decided for themselves to change their form of Government. This Dáil can do other things, but it cannot ratify this Treaty. It can do as the British Parliament is doing. You can pass a resolution if you like recommending it to the Irish people but you cannot accept it (?) until you refer it to the Irish people. I have got here the proclamation of the last election. It might be said there was some excuse for the action of the First Dáil. But after that they had a General Election and I was asked, and I said to the people that they were voting for nothing less than the substance of freedom, and they were voting for nothing less than the legitimate choice of the people—the Republic established by the vote of the people. Ratification is disestablishment, is handing over power to another country of which we here are the guardians. The treaty we are prepared to sign is a treaty consistent with our independence. This is not consistent with our independent state. In paragraph 2 put in it was stated our representatives can only treat with you as representatives of a foreign state. They had to swallow it to the extent and they were forced not to make us say we were the representatives of a mere political party or what Mr. Lloyd George says an assembly of the elected representatives of Southern Ireland. It is not Dáil Éireann, thank God. The country will be spared the dishonour of an assembly like this voting definitely away the power which was given them, of voting away their birthright. They can't do it. That's why I object.

MR. MILROY: Is President de Valera

moving the rejection of the peace Treaty?

PRESIDENT DE VALERA: To-morrow I intend to move that you cannot ratify this Treaty. It is *ultra vires* to move definitely a resolution of ratification as a legal instrument. If you did it would be nullity. If the chairman of the delegation agrees to move a resolution that you recommend it to the Irish people you can do it but you cannot pass an act of ratification. There is a big difference between them. If the chairman of the delegation moves the ratification I will oppose him, and I will substitute that which I am ready to stand by. It is simply this, I am trying to recover ground that was lost. My proposition is this that you unanimously stand behind this agreed document and that we offer this to the people of Britain as a basis for lasting friendship. It is right to say that there will be very little difference in practice between what I may call the proposals received and what you will have under what I propose. There is very little in practice but there is that big thing that you are consistent and that you recognise yourself as a separate independent State and you associate in an honourable manner with another group. You enter an association in which the King of Britain is not King of Ireland, the armies of Ireland are not His Majesty's forces, and the Ministers not His Majesty's Ministers but Ministers of the Irish nation also.

MR. MILROY: President de Valera says that the Dáil cannot consider even the ratification, yet on the official agenda of the Dáil we have here issued under the President's authority a motion for the ratification of the Treaty. This must be out of order. We want a proper direction. We should have a ruling as to which is right, this document issued under the authority of the Dáil Cabinet or President de Valera.

MR. MULCAHY: We are meeting and speaking to absolutely no purpose. It would be far better if our Cabinet put something before us such as the President's proposition to avoid a discussion in such a form as would disturb the general temper of the meeting. The fact before the country really is this: that they are more afraid of a split amongst us here than they are afraid really of war. If we continue in the way in which we are speaking now we will do no work to-night. We have already set up a committee to look into this question of documents. I suggest that having regard to the possibility of a split that the Dáil appoint a small committee on whom we could place the onus that even if we do not meet to-morrow in public session that we shall not scatter from this meeting without making that body responsible as a liaison or arbitration body, to act between the opposing sections of the Cabinet. One thing such a body could do this evening, with the President and chairman of the delegation, they might settle what work we can usefully do in private session. They could clearly define what aspects of this Treaty and the present situation will come before us in public session and let us know in private session.

PRESIDENT DE VALERA: It was for that reason I made that statement, to indicate what would take place.

MR. MULCAHY: The explanation is not in order.

MR. J. J. O'KELLY: It was asked for by Dr. MacCartan.

MR. MULCAHY: I do not wish to impose my views on the Dáil, but without something being defined as to what we are going to talk about we are getting further along that road of ill-feeling we have been travelling. It is for the general body of the Dáil to pick somebody to hold the reins between the two sections of the Cabinet.

MISS MACSWINEY: I would like to lay stress very strongly on what the Chief of Staff said about the danger of a split. I think we have been talking round and round the subject. I would like to give you, as one of what you may like to call the die-hards of the Dáil, my opinion from beginning to end about this conference. It has been said to me that I was either a fool or wilfully blind if I did not see that entering into that conference gave away our whole case, and that the sending of delegates to London meant a compromise. I was some time in America and the very day I arrived back in Dublin I was struck by the atmosphere of compromise. I was told the Republican ideal was given up. I was told the President on the first day he went to meet Lloyd Greoge gave up the

idea. I very well contradicted it. I will give you my impressions of what that conference meant. Nobody has ever so gravely told the people of the evils of propaganda than Mr. Arthur Griffith. He told us England put a paper wall around this country, and on the inside she told Ireland what she wanted us to believe about the world, and on the outside she told the world what she wished the world to believe about us. He has told us of the evils of British propaganda. I don't think anyone in Ireland was more cognisant of this evil than Arthur Griffith. The first great rend in that wall was my brother's suffering and death in Brixton, and next to that the greatest thing done for Ireland was this conference. Not because it signified compromise, but because it tore the last remnants of the paper wall from the face of the world and let us see each other. I never believed we could get recognition of our Republic from this conference. I did not vote for delegates going there with any ridiculous dream that Lloyd George would say straight away, "Take your Republic and God bless you". But I thought it possible Lloyd George would realise that it is better to have Ireland as a friend. I realised we would have to give up something. I thought very naturally England would fear our proximity to her, and that we might have to make defensive alliances for one. I would not ask the country to refuse even if they had to give an offensive alliance, to be done for ever with Great Britain. On one thing we determined, that was that we would not give way on allegiance, or partition of our forces. I want to say, that even with my die-hard proclivities, we could to-morrow drag him another bit than to-day and go on until you brought him to the pitch our delegates brought him last Monday night. When you had brought him to the last ounce and he refused to go to the limit which was the lowest limit we could take then say, "Very well I go home and put it to my Dáil." I do think they were guilty of weakness but I don't think they were guilty of dishonour. Nobody should say so. They did not mean to be dishonourable. They felt that [they] had to choose and choose within half an hour, and the only thing is that they chose the weak instead of the strong thing. But I do think it is a wrong thing to say—an insult to say—that when they were sent to London they were sent to compromise. They were not. The Minister of Finance read a document to-day; it was practically their credentials, the credentials to the plenipotentiaries from the Government of the Irish Republic. The President speaking in the Dáil yesterday about the oath to do the best he could for Ireland. He made other remarks which we can only regard as signs of weakness on his part. We were a body of about 120 and I defy any body of 120 to keep their mouths shut as closely as they ought. I have openly stated that the terms of reference were inside an Irish Republic and it would have leaked out and Lloyd George would have refused a conference. But everything we have gained seems to have gone in flash. First in going into the conference we did not compromise. On the day we appointed those plenipotentiaries I spoke and I said there was an air of compromise both outside and from inside the Dáil. I said any man who meant to compromise should speak then or forever hold his peace. Every one who votes for the passing of this Treaty acts dishonourably if he did not speak that day. I do not believe it was wrong to send those delegates. I do not believe I compromised my principles in so doing because it was a magnificent piece of strategy to draw the attention of the whole world on our cause. I believe on last Monday when Lloyd George bluffed our delegates at 3 o'clock in the morning they did not believe it was bluff. At 3 o'clock in the morning one's brain is very very tired. We know and they know now that they were bluffed. When he said to them at 3 o'clock, "You will sign or we will declare war", they should have said, "Very well do your worst". He said we are not sorry to sign we will have to submit it to Dáil Éireann [*sic*]. They think the thing they have brought back to us is a good thing. It might have been five years ago if it were brought to any one of us then. Though we might not have taken the oath we might not have thought it dishonourable, but after January 1919 no man having sworn an oath to the Republic can withdraw from it. What have we small nations but our honour? We can't fight big nations physically; we can fight, as has been proved, treachery or intrigue—only beat them by standing out honourably. How can anyone of us swear you will be faithful to George V unless you owe him faith? But you have absolutely no right to say that by sending plenipotentiaries and

[*sic*] we hamper ourselves and the Dáil. I want to make my position clear. On the point of order—

MR. MILROY: On the point of order no one has a right to stand up and denounce this Treaty without formally moving a rejection.

MISS MACSWINEY: All I want to say is that there was no compromise meant by sending those delegates to London because a suggestion has been thrown around to [*recte* that] the President as leader compromised. You did not swear your oath to the President but to the Republic. When you sent the delegates to London you didn't send them to compromise. That did not directly or indirectly involve a compromise. We believe it would show the world the justice of our case. If England was prepared to go a certain distance there was no reason why she should not go the rest. Moreover, look at the effect of it: you have got out of prison men condemned to death for murder and those who were called leaders of the murder gang in Ireland sat at the same table with the British Prime Minister on equal terms. If we have gained nothing else we have won a magnificent victory. We won much, we lost a lot of it when the Treaty was brought back before the world.

There was a lot of talk when the Treaty was brought back, but if we present to the world to-morrow a united front then the country will follow us. I think those who put before themselves a measure of expediency should ask themselves is it worth while sacrificing expediency. If they declared war on us to-morrow we are not a bit worse off than we were six months ago. For God's sake and the sake of the dead let us keep together. We who stand for principle cannot give in to you who stand for expediency, and expediency can always give way to principle. Therefore, if there is to be a split, it is because you who stand for expediency have accepted something which we who stand for principle cannot give way. If there is a split the evils of that split will be on your shoulders not ours. It is for you to come up to our standards; not we to come down to yours. Therefore I would ask the signatories to submit to the decision of Dáil Éireann. We may have a united front then and the people will come after. If we put it to the people to-morrow a lot, perhaps the majority, would accept. Cannot you remember what we were told about the slave mind? Can you not realise the slave mind it took a 100 years to create, it will require a few years of freedom to bring us back. Our people are still of the slave mind, but they will do what we ask them to do. It is for you therefore who think of compromising or mean to, to speak out and you will have the country behind you. I would oppose sending delegates if it meant compromise. You did not answer my challenge on 14th September; not one of you who believed this meant compromise spoke; therefore it's your bounden duty not to split the country now.

MR. COLLINS: In my opinion no good purpose is served by making speeches in the private session that can be made in the public session. I, as one of the signatories, will state my position to-morrow; it is the least compromising position in all Ireland. I suggest it is only waste of time making speeches that can be made in public session.

MR. MACCABE: I have a suggestion to make: it is that you appoint a committee from the rank and file to consider this division in the Cabinet, and see if we could not get any way out of it to maintain unanimity. I suggest the rank and file of the House exclude all the members of the Cabinet (laughter); that the Speaker summon this meeting immediately after tea to evolve some programme, or some *modus vivendi* or *operandi* that will save us from the disedifying scene witnessed this morning. I believe if the rank and file get together they will furnish as much brains in the assembly as there is in the Cabinet (laughter and applause). I believe they will discuss the matters in dispute in a much more decorous fashion than at present. I will move that a private meeting of the rank and file be held after tea, and that the Cabinet and everyone be excluded.

THE SPEAKER: Any motion of that kind is absolutely out of order.

MR. GRIFFITH: I think it is a very sensible suggestion. I second it.

PRESIDENT DE VALERA: I insist on my right as a member of this Dáil to be here whenever this Dáil meets.

MR. MacCABE: This is not a Dáil meeting.

THE SPEAKER: If it is not a Dáil meeting it is not for me to have anything to do with the convening of it. The motion before the House is that a committee be formed to accept the responsibility for acting as a liaison committee between the two sections of the Cabinet, with a view to defining what work may usefully be transacted in the private session and to decide what issue will face us in the public session.

PRESIDENT DE VALERA: I hold that is quite unconstitutional. We have a Parliament now and we cannot resolve ourselves in [*recte* into] a political party. I am here as President until you remove me. There will be no other Cabinet as long as I am here or else I will be a private member. I am in charge and if you wish to remove me well done, but so long as I am in charge no man will come in and order me about.

MR. BÉASLAÍ: The President has indicated that he is going to make certain proposals in connection with to-morrow's meeting. I think we should have them in writing.

PRESIDENT DE VALERA: I was going to make proposals to recover the ground that was lost, which I wished to make in private session. I am trying to retrieve the position. I spent last night getting these proposals together. If we could modify them to get something that would be purely unanimous as a counter proposal, I believe we'll win with this thing. We'll do the something we would have done if there was a break. If there was a break I would have published counter-proposals to theirs. They will not go to war for the difference. The one is a thing the Republic can do, and the other is a thing we can't do.

MR. GRIFFITH: This meeting is summoned here to reject or endorse this Treaty and there is no third course open. The British Parliament has either to accept or reject it. Everybody here is going to vote one way or the other. We took your responsibility and you must take ours.

MR. CATHAL BRUGHA: And if you reject it we can do what we like.

MR. GRIFFITH: Mr. MacDonagh has handed me four questions. The first one is, "What were the points the chairman of the delegation said he would want in exchange for the Crown and inclusion in the Empire?" The answer is trade, principle of defence, alteration of the oath and partly Ulster. (2) "Does the chairman of the delegation agree that he gave an undertaking to the Cabinet that he would not sign the Treaty before submitting it to the Dáil?"—No. The chairman of the delegation gave an undertaking to President de Valera and Cathal Brugha that he would not sign the document he had with them. He also told them before signing he would try to get back to the Dáil.

Addressing Mr. MacDonagh, Mr. Griffith said in reply to an interruption, "I know you very well, Mr. MacDonagh. I am answering your question straight."

(3) "Was the chairman of the delegation aware that the English Prime Minister intended sending the letter to Sir James Craig on the 5th instant and if so did the plenipotentiaries sign under duress?"

MR. GRIFFITH: I was aware he proposed sending a letter on the 5th instant. I think he could have held it back for a week or so. I would not have signed without bringing it to the Dáil, if I could have brought it here. But I would have recommended and in the sense I did sign under duress.

(4) "Are we to understand in view of the statement of the Assistant Secretary for Local Government that the delegates drew up wholly or in part the clauses referring to the partition of Ireland?"—I don't quite understand that we drew anything up. They drew them up. We altered some of them at the last moment.

The House adjourned for tea at 6.30 p.m.

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On resuming at 7.25 p.m. on Wednesday, the Speaker said: In resuming the business a difficulty is when you resolved yourself into a private session we had no regular agenda and the result has been that the discussion has been rather desultory and not directed to any particular point. It was understood before we went into a private session that the business was to discuss

certain definite aspects of the question before us which were better discussed at a private session and these aspects have not been brought before us in any regular form by any one up to the present. I am now going to ask that in entering upon any portion of the discussion the members should commence by sending to me notice of the particular subject which they wish to bring under discussion and I will take these subjects in order. I would like those who wish to speak in future to keep that in view. What you wish to speak about concerning a private session put it down and bring it to me and I will put those subjects before you in the best order I can. Mr. Barton has proposed to make a statement on the reason for his signing the Treaty. That is one subject which I suppose in his judgement is best stated in a private session. Mr. Gavan Duffy has proposed for discussion the following two matters: (1) That the public session be postponed till Friday. (2) To correct the statement that the proposed Irish Constitution will be created by a Dominion Act.

MR. Ó MÁILLE: I would like to ask you one question about the committee appointed to go into the documents as I understand they have come together.

MR. SEÁN McGARRY: What I want to know is this—we have wasted practically all day. I believe we have wasted half-a-day. We adjourned into a private session to discuss certain things. The plea put forward was that there were certain things which should not be discussed in public and that several of us wanted information about finances, about the military strength and otherwise. There has not been a question asked the Minister of Finance about finance. There has not been a question asked the Minister of Defence about the army. We have been talking all day. Anything we have discussed could as easily have been discussed without any advantage to the enemy in public session. There has not been one single question about finance or the army asked. I propose now that the matters for the private session be confined to subjects which would be of advantage to the enemy if they were made public.

THE SPEAKER: Well, the subjects will be named in the order I have suggested.

MR. SEÁN MILROY: I believe Mr. Barton is going to make a statement that may lead to statements for or against the Treaty by the general body of members. If any such statements are to be made they are to be reserved to the proper time and place and not be taking up the time of the private session.

DR. MacCARTAN: I second the motion.

THE SPEAKER: I didn't understand that he made a motion.

MR. McGARRY: I made a motion that nothing else be discussed except what I stated.

THE SPEAKER: Do you propose to throw the responsibility of deciding that on me?

MR. McGARRY: I don't think it is right to suggest that. I have already asked that the Chief of Staff would make a brief report on the state of the army in the case of war; secondly, that the Minister of Finance be asked to make a brief report on our present finances.

MR. J. J. WALSH: Perhaps Mr. Seán T. O'Kelly would include a request from the Minister of Economics with regard to the position of the country.

MR. MICHAEL COLLINS: I could probably save a lot of time if he would indicate what I should give in the report. Naturally, I can't say off-hand what we could do and naturally I can't refer at all to future arrangements without giving an opinion which perhaps some people would regard prejudiced opinion. I can have a statement on short notice as to our present liabilities and how what money we have is committed and what balance we have. That is a matter of detail in which I have to get my staff to assist me as I didn't know the request was to be made. I get a weekly statement for myself. I can't now at this hour of the evening get the last week's statement which by referring to I could indicate the position very briefly. In reality there is nothing that need not be public about that. But for the purpose of

a public session it need not be referred to at all. I can say off-hand for instance that we have something about £200,000 odd on deposit receipt or held under some scheme of deposit receipt here in Ireland. I could not say the exact amount off-hand because naturally for the past couple of months I have not been able to give my personal attention to matters of detail that I did give when I was here in Ireland, although every time I came over I had some consultation with my financial people here. Now it would probably be wise for me to refer to the question of holding of the money in future and the question of future loans. I am just making a little statement which would give the members a chance of seeing what they want. If it is in the mind of any member to raise a question as to what I thought of the future loans I would have to take conceivable circumstances into account. That would be only my opinion and it may be a prejudiced decision. If the few Deputies who mentioned the financial position indicated what lines I could go on I could have a statement pretty early in the morning.

MR. McGARRY: I didn't ask any question about finance or anything else. The plea was put forward that we should have a private session because some members wanted to know about finance and other questions. We have not discussed any of them to-day and I propose that we confine ourselves to these questions.

MR. COLLINS: It will save probably a number of other questions if I say I heard it suggested by somebody to-day that perhaps it had relation to the possible amount of money that was due by England to Ireland. If that is suggested I can only refer any Deputy to the secretary of the delegation because our whole financial case is contained in a memorandum put forward which as mentioned by me to-day is of very vital importance. It took a great deal of time to prepare. Assuming that you are going into arbitration with Great Britain this document on finance handed in would be the basis of a claim and the claim I may say against England is put at the figure of £3,000,000,000.[1] If anybody is going to put it higher than that—

MR. CATHAL BRUGHA: With regard to the army if any Deputy here has any question to ask let him ask the question and I will give the answers to-morrow. The only statement at present in my possession is a general statement. We have a very efficient Headquarters staff, each man of which has a certain section to look after and being efficient and patriotic men and each doing his best for the Republic you may take it for granted that we are in a much better position to fight now than when the Truce started.

MR. FAHY: I submit the question relates to the army department and not to the Minister for Defence. One of the questions would be how far the army was affected by those disagreements in the Cabinet. I was approached by a member of the I.R.A. as I came here to-day and told if I voted for that Treaty I would be shot.

MR. BRUGHA: You may take it that the army regard themselves as soldiers and will abide the decision.

MR. LIAM DE RÓISTE: With regard to the question raised by Deputy Fahy, I may state that Deputies from Cork City and County were presented with an order from the Headquarters staff of South, namely, that if we didn't vote for the rejection of the Treaty we were guilty of treason to the Republic and presumably the consequences were about the same, even that we would not be given a trial. We can presume what the consequences would be. Now it is desirable I think that the Minister of Defence would answer the question as to how far the divisions in the Cabinet which I still maintain are not divisions in the Dáil as yet—how far those divisions are affecting the army and if the Cabinet as the responsible government of the Republic have really taken into consideration the effect of their action on the army. The question from the South is most pertinent in this case and it is most important for the Minister of Defence to consider this and give an answer to us who are threatened to be shot like dogs if we take a certain action here. Whether we take that action or not I think should be a matter for our consciences. It is serious I should think for the army that these divisions in the Cabinet are per-

1. In another copy the figure £3,000,000 is given.

meating the army already and we should like an answer to that.

MISS MACSWINEY: As one Deputy from the South who has also received that notice I must say that I got it. Whatever I think of the wisdom of sending it I don't think it was meant in the same way as Mr. de Róiste says. The distinction made this morning was, I take it, that we were elected definitely for a Republic and in consequence our constituents are at perfect liberty to tell us what they think. We are told that the First Southern Division sent up to Headquarters a demand for the rejection of the Treaty proposal. It was for the Headquarters to say whether that was exceeding their powers; secondly, we were told it was our duty to accede to this demand; that to act otherwise would be treason to the Republic. I don't think there is a threat to be shot in that. We would want to remember that we are a nation but an infant nation and as I have already spoken in this assembly on a former date about the analogy of our case with America, I tell the members of this Dáil now that a similar situation arose in America in 1778. And Washington and the army said the country was not to weaken and if the army does the same to-day God bless them.

MR. O'CALLAGHAN: It is an extraordinary thing first to deny a thing and then to justify it. I got that notice. It is a definite threat that I would be shot if I do a certain thing. I do not raise it from a personal point of view because it does not matter to me in the least. Any vote I have to give will be given on the merits of the case and actuated solely by the dictates of my conscience. The point is, the question raises the extent to which the army as a whole has been affected. I don't think it has appeared in the Dublin press—I read it in the Cork papers to-day—there is quite a feature made of a report of a meeting of the Brigade Commandants of Dublin announcing a decision that was arrived at by the majority to follow Mr. Griffith. That I think can further indicate the tendency of the army. I raise this to impress upon the Cabinet as a whole, to impress upon them the danger to the army of their present differences. I have already written to the officer from whom I received it to that effect. It does not matter to me a bit.

MR. KENT: The threat is not confined to one side and it is a serious thing that the Minister for Defence will have to consider; as Minister for Defence he is responsible to the Dáil and he is responsible for the discipline of his army and his chiefs of staff and I say to him that now is the time for him to put strict disciplinary measures into the chiefs of staff because no matter what Government remains in power here we can't have an army divided and furthermore it is scandalous that there should be sides taken, and some of the principal men, not alone have they sent parties around the country trying to influence members of this Dáil but they are using sinister threats outside. It is not confined to either side. It is for you, Mr. Brugha, to say that the army responsible to you and you to this Dáil that they act loyally to this Government and to nothing else.

MR. BRENNAN: It may be that certain Deputies down in Cork are using these arguments against acceptance of the Treaty. The army in Clare have not said a word about the Treaty. They look upon themselves as soldiers. The civil population are out for the Treaty.

MR. MOYLAN: The army in Cork consider that they are soldiers but that they are nevertheless citizens and they are entitled to give their opinions.

MR. O'DONNELL: They should do it, not as an army, but through the Sinn Féin clubs.

MR. SEÁN MACSWINEY: I think the army in Cork is just as entitled to express its opinions as the G.H.Q. The Chief of Staff and the Deputy Chief of Staff, the Adjutant General, the Quartermaster General, the Chief Inspector of Training and the Assistant Chief of Staff have all laid themselves out in this morning's press as being in favour of the Treaty. The officers and men of the First Southern Division have sent up a demand for the rejection of the Treaty here and if there are any army questions affecting southern Ireland the Divisional Commandant requests permission to come in here. There are statements made by the Adjutant General and by others that any man going down to Cork will be shot. I can say for Cork that's a lie. There are points

to be cleared up about the army. When I voted for certain delegates to London it was on the understanding that we were playing for time. It was not to get a Treaty such as this that has been presented to us. I had no doubt at all about it. There is some undercurrent about this. I must say that the amount of arms we were getting would not enable us to carry on very far but I think owing to our efforts we can carry on.

MR. GEARÓID O'SULLIVAN: A definite accusation has been made against me and—

THE SPEAKER said Mr. Walsh was first on his feet.

MR. WALSH: I don't see any grave reason about any member of the I.R.A. or the I.R.A. as a body giving a well considered expression of opinion on a matter that involves their own lives and their own outlook. But I must confess that the document which I hold here in my possession leads me to the conclusion that on exercising my judgment on an all-important question before the country I may be subject to certain treatment. That is very clearly set forth. Unfortunately I fear that that viewpoint is confined to neither side. The case made is that in any final fundamental decision which may be good for the country that the army should interpose and save Ireland. In other words, that the army should prevent the Dáil from expressing their opinions. We are all keen on saving our country. None of us can gain anything by going back to the Parnellite split or the Redmondite split. We have all suffered our share and we all hope the right thing will be done for the dear old motherland but it is essential at this stage that those at the head of the army, and I would include the President, should speak out definitely and state the limits to which they are prepared to tolerate any action on the part of the men who constitute our army.

THE PRESIDENT: I think it is absolutely wrong for the army as an army to send any notice to any members of this Dáil. And if I were directly in charge I would make it my duty that every member of the Headquarters staff who sent that thing to the paper I would immediately ask for his resignation off the staff and I would do the same with the Southern Division.

MR. CATHAL BRUGHA: This is news to me. I didn't hear anything about this till now.

MR. COLLINS: It is news for me also.

MR. GEARÓID O'SULLIVAN: The Deputy from Cork said that the Adjutant General had said a certain thing. I am the Adjutant General and while I have been that I have done nothing and said nothing except what was within the spirit and letter of strict discipline. There is nobody on the Headquarters staff more unpopular than I am because of that and I am unpopular chiefly because I insisted, on the instructions of the Minister of Defence, that the army was not to interfere as an army in any matter that was not purely an army matter. The remark was made and it was made to me and I repeated it not seriously because I didn't believe it about a man from Cork being shot. I am not in Cork, fortunately for Cork (laughter). I went down to Cork when it was difficult to go there and when it was dangerous to go there. A statement was made and a specific name was mentioned. I didn't repeat it except to two or three and the remark was if Mick Collins goes down to Cork there are men there to shoot him. And a woman in Dublin said, "If there is not a man good enough in Cork or in Ireland to shoot Mick Collins I will do it myself" I don't think I ever told that to the Minister for Finance because I took it to be a statement of an excitable woman in a period of great excitement. With regard to the statement which appeared in the *Freeman* to-day it says: "We understand". This is the first I know of it. Any statement I made as a soldier about my opinion was made to the President and it was made in the presence of the Chief of Staff for the members of the General Staff. The President knows what these statements are. I don't know who is responsible for this thing in the *Freeman*. I am not. I knew nothing about it. I was not approached about it until it appeared in the press this morning. It says, "I have good reason for stating that the following accept the Treaty: The Chief of Staff; Deputy Chief of Staff; Assistant Chief of Staff; Director of Training. These are known in the army as the 'Big Four'. Two of them are members of Dáil Éireann

and will speak for themselves to-day. In addition the following are believed to take the same view: Adjutant General, Quartermaster General, Chief Inspector of Training", of whom I have never heard.

That is all I have to say about it. Anything I have said or any act or word of mine in connection with the army was within the spirit and letter of military discipline and nobody knows that as well as the officers of the First Southern Division. I am anxious that this matter should be fully and thoroughly investigated and any place an army officer asks me about the question debated I told him that as far as he was concerned he was a soldier. When I was summoned to this meeting of the Dáil I thought it my duty to consult the people who elected me to the Dáil and I went on Monday evening to Carlow. I met the officers of the Comhairle Cheanntair. I met the people who proposed me, seconded me and elected me. I met the Brigade Commandant and he spoke on this matter and I said, "I have been discussing this matter with people I have a right to discuss it with. I can't discuss it with you. Your duty", I said, "was clearly stated in the public statement issued by the President that the army was not affected". I as a member of the army am not affected. My business is to obey the person giving the orders. I am very sorry that this question is brought in here. I am speaking in the presence of officers to whom I have issued instructions and officers who had carried them out. A most unfair and unjustifiable thing has been stated about me. A gentleman from Cork said there were counter-threats and that he would insist—and I will insist too—that the names of persons whom he has in mind be given to the Dáil and that these members get their opportunity of answering that any members of this Dáil knowing of these threats—let them make a statement to the Minister of Defence and the Minister of Defence will deal with them in his fashion. I did repeat to Seán MacSwiney, the Deputy in Cork, the story that I was told—I again repeat that I took it as a joke and I thought that we had at least in Cork a sense of humour. Notwithstanding all the bitterness introduced in the debate to-day I still maintain mine.

MR. McGARRY: My motion has not been put.

THE SPEAKER: I understood your motion was accepted generally. We were acting upon it.

MR. McGARRY: Anything about the army should be addressed to the Minister of Defence. We are met here to decide the most important thing any body of Irishmen ever met to decide and here we are quibbling about what somebody said. I was told last night that I would be shot if I voted for this Treaty and I am not kicking up a row about it.

MR. MILROY: I must absolutely dissent from the last speaker. The first is a newspaper speculation. The second is an attempt to prevent the members of this Assembly from registering their votes. I think in no country in the world would there be a greater criminal act committed than for an assembly to allow its military to decide in advance what decisions they should arrive at. And I think the responsible Minister should see that those responsible for that attempt, should see that those people are properly rebuked or dealt with, and that they should be made to realise that their position is in the army, that the position of men who come here to act as legislators and who are to decide those issues not in accordance with instructions they get from the military themselves in any part of Ireland but in accordance with what they conceive to be the dictates of their conscience in the interests of the country. I think it is a serious and a grave matter and instead of attempting to turn it into a trivial matter which the last speaker did I think this House ought to realise it is a grave matter and I think we ought have some statement from the Minister of Defence as to what he proposes to do.

PROFESSOR STOCKLEY: As one of those who received those notices I wish to say I received a second disclaiming it. I received the first stating that I should consider what I was doing. I received a notice to-day saying the notice I got a couple of days ago had no authority whatever.

MR. SEÁN MOYLAN: As one of the Brigade officers concerned I signed my name to that document. We didn't send it up as a demand. We sent it up to askfor certain consideration for a certain view-

point of ours down in the South for the consideration of the Cabinet and we also [*sic*]—I think as far as I remember our O/C apologised to the Chief of Staff for his action which might not altogether be in accordance with military discipline. We didn't think it was our business as military men but we thought we had a duty as citizens of the Irish Republic. It was not with a view to dictate to the politicians that we sent on that. We just wished to put our view point before them. And I don't see it that anybody should infer that it should be thought by any member of the Dáil that we wished to dictate. Much as we like and respect the man who wrote that note I am not in agreement with him.

MR. COLLINS: I think that the Deputy for Cork was referring to a different document to the document that was taken exception to by certain Deputies. That is the document that has been addressed to the members of this Assembly from Cork, but from the Cork No. 1 Brigade area not from the County of Cork. As a Deputy for Cork if I received such a document as this I couldn't be in attendance at this Assembly.

A DEPUTY: Why?

MR. COLLINS: Because I have as good an opinion of myself as ever I had.

MR. MULCAHY: I don't know what undercurrent of irritation is troubling people in regard to the army—whether they feel that the army is in the same confused position as to [*sic*] the Dáil seems to be. The army first came into this matter when the President sent for the members of the Headquarters staff to ask them for certain opinions with regard to the army strength and he subsequently asked for their opinions with regard to the Treaty and then he asked us generally how the army stood. And he was told by me for my own personal self and for the members of the Headquarters staff who were present that whatever our duties were as members of the Dáil or in any other capacity or whatever way we discharged those duties that we were absolutely soldiers and that we stood by the army in whatever position we held then and if there came any changes in whatever position the Government thought we could best serve the army. That is the position with regard to the Headquarters staff. With regard to this notice which appeared in the *Freeman's Journal* to-day I want everybody to understand that the G.H.Q. staff or no member of it had anything to do with it. And it came as big a surprise to me as the note that I saw issued by the O/C Cork No. 1. As far as I am personally concerned I don't think there is a single member of the army who can say that I spoke to him or expressed my opinion with regard to this Treaty. Two of them came to me last night to know what I thought of it. I told them that they should meet people of different views. That if they went to certain people they would get excited and I told them that they could go to bed and that they would hear all about it. *Re* the document that came from the First Southern Division I support every word that Mr. Seán Moylan said about it. The tone and spirit of that note was such that nobody could take exception to it. The officer who wrote that note has been the man who was perhaps so far as I personally was concerned at any rate an education and an inspiration in the army. The work that he had [was] amongst the officers in the country and he submitted that note which I submit was eminently reasonable. That does not prejudice the position that [*recte* of] that officer or prejudice the position of the officers in the 1st Southern Division with regard to their duty as soldiers. I am very much surprised at the officer in charge of the Cork No. 1 Brigade and I am perfectly sure that when he realises the want of discipline that may be read into that note that he will realise it. I am sure that the officer will stand by duty as well as any officer in the First Southern Division. The Commandant of the 1st Southern Division is in town and I would like that this meeting if it so wished would hear what he had to say with regard to the army.

MR. CATHAL BRUGHA: It is not necessary at all.

MR. MULCAHY: I have spoken to some other officers since of that Division and the Dáil may be perfectly satisfied that the First Southern Division will stand as soldiers with the generosity of service that the country has always got from them. As to that note from the Cork No. 1 O/C—the legends that have grown around this—the

article in the *Freeman's Journal* is at the bottom of all this.

PRESIDENT DE VALERA: With reference to my meeting with the Headquarters staff I want to make it clear—I didn't ask them for their political opinions. I brought the chiefs of the staff to find out from them to see how they stood as regards the strength of the army. I asked would you be for continuing or not. It was only in that particular way that the question of the Treaty or anything like it came in. I didn't discuss the Treaty.

MR. SEÁN T. O'KELLY: That must have been very much misreported in Dublin. I was told that every man in the Headquarters staff at the meeting, which discussed this question of the ratification of the Treaty, that they had decided with one dissentient to urge for the ratification of the Treaty. The people in Dublin who have asked me for the position of affairs I have told them this. I always mentioned the fact that I understood it so that they had met and discussed this question. It was told to me and I used it in telling the people what way the Treaty was likely to go. When I saw the document coming from the First Southern Division it struck me only then that the report of the action of the G.H.Q. staff might lead to the ruin of the country. It might lead to the general disruption of the army all over Ireland and I urged on some of the officers I happened to meet, officers who were members of the Dáil, to use their influence to prevent any such meetings to discuss matters of this kind. I presume once the matter was brought under the notice of the Minister for Defence that he take action, as it was his duty to do, to prevent the army headquarters from being turned into Sinn Féin clubs or political gatherings.

MR. GEARÓID O'SULLIVAN: The Deputy speaking at present is making statements about matters which never happened.

MR. SEÁN T. O'KELLY: I don't know. I am making it only as I was told, as the police say, "on information received". Everybody in Dublin discussed it—that the Headquarters staff met and decided with the exception of one vote the question of the ratification of the Treaty

PRESIDENT DE VALERA: I called that as my duty to know the strength and to find out the fighting strength of the army. It was purely and technically a committee that came to me to discuss how they stood and to find out from a purely military point of view how the fighting strength stood, leaving aside all other questions whatsoever. It was absolutely necessary to get the opinion—to bulk as to how long they could hold out, what fighting strength they had, and so on. Any misrepresentation of that meeting as a meeting that agreed to a certain line of action with one dissentient is not the thing. They gave their judgement on army questions purely and simply.

MR. DOLAN: I would like to ask the President what was the reply given to this question about the effectiveness of the army in the case of a renewal of the war?

THE SPEAKER: That will come on in its turn from the Minister for Defence.

MR. CATHAL BRUGHA: I have been sent two questions. One is: What is the position of the army as regards the morale of the army? That is a question I am asked. Now as regards the morale it is as high as ever and probably higher. We know what this paper (the *Freeman*) wants—propaganda.

You may take it for granted that as long as I am in the position that I hold at present that I will put down any indiscipline in the army. It has not been shown to me yet that there is indiscipline. Let any member of this body let me know of any threats that have been sent to them and I will see that similar threats are not used in future. Now as regards the army I will give you all particulars.

THE SPEAKER: I suggest that if people want to know these things through curiosity or to fill up their own minds with information that they should not ask them. I suggest a general statement is enough.

MR. CATHAL BRUGHA here went into some matters in detail and Mr. Brennan (Clare), Mr. Dolan, President de Valera, J. J. O'Kelly (Sceilg), Mr. MacEntee, Séamus Robinson and Eoin O'Duffy spoke on the question.

THE PRESIDENT: I must say that

the day any portion of the army does not obey the Government then there is an end of your fight for freedom.

MR. ROBINSON: The Government has the loyal support of the army.

THE PRESIDENT: If the army as a national army does not obey the Government, and until this Dáil is dissolved any man who does not obey the Government if there is any scrap of an army left to arrest him he will be arrested.

MR. GAVAN DUFFY: I propose that a public session be postponed till Friday. I will take this matter later. I have a second motion. This may seem to many people a small point. It was said this morning that if this Treaty were passed it would be put into operation by an English Act of Parliament. Now I don't want to speak on the merits or demerits of the Treaty. If this Treaty is accepted or rejected let us understand what we are accepting or rejecting and I think statements should not be made which don't hold water such as the statement which it is an insult to listen to—that if this Treaty is to be put into force it will take the shape of an English Act of Parliament creating us into a dominion. Now if you look at the last clause of the Treaty it is very ambiguous and vague. It says that if the Treaty is approved it shall be ratified by the necessary legislation. It is perfectly obvious that it will be necessary from the point of view of getting matters straight that the English government pass an Act of Parliament repealing their Act of Union, but it is not true to say that because they repeal this therefore they propose that an Irish Constitution should take the shape of an Act of Parliament. The very fact that they call this thing a Treaty makes it a document which turns it into a fact by ratification and requires no Act of Parliament. I am sure it was mentioned in good faith. It is not fair to add to the burden of those supporting the Treaty by making their position worse than it is.

PRESIDENT DE VALERA: There is nothing in this that does not make it likely to be a Dominion Act. There was a treaty in the Boer War and that treaty was put into an Act. You have no guarantee in this document that it will not be such an Act that will be imposed upon you and if you get your guarantee then of course that point goes by the board.

MR. GAVAN DUFFY: In the case of the Boer War you had a treaty made in the field of battle between victor and the vanquished. It was not a treaty at all. They took good care not to call it a treaty. The point is that if this document is put into operation there is nothing in this Treaty justifying the British Parliament in pressing a Dominion Act. I am not going to prophesy what they will do. But I can say this with a full assurance that if they seek to limit our powers by a Dominion Act that is a thing against which the Irish Government can protest against in the face of this Treaty. There is no Dominion of the British Empire which was founded by a treaty with the people of England. There was none. When I was over with Lloyd George he wanted me to take home with me the Treaty of Vereeniging in order to study it. I didn't take it. I didn't want to study it. There were orders in council which gave Dominion Home Rule to South Africa and I certainly believe there was a Dominion Act establishing the Union of South Africa.

PRESIDENT DE VALERA: Years after probably. There is nothing in this document which shows that the British government will not dictate our constitution.

MR. ERSKINE CHILDERS: The Boers were defeated in 1902. In 1905 they were given temporary representative government being according to British law conquered territory. Consequently, according to British law they could be dealt with by an order in council. After that the Campbell-Bannerman government came in in England and they were given by order in council responsible government. There was no Act on that occasion at all. In 1909 the various states of South Africa decided to federate, Natal and Cape and so on, and the federation which they formed was given effect to by an Act of the British Parliament. It might be described as a Dominion Act and that is the Act now under which the Dominion of South Africa holds its constitution.

DR. FERRAN: I understand that the responsible bodies in the British Constitu-

tion are the King and Parliament. Have we any guarantee that they are going to call it a Treaty at all? We are calling it a Treaty.

MR. GRIFFITH: I don't see what is the use of discussing this in private session. The reason it is called a Treaty at all is because it is signed as a Treaty between Great Britain and Ireland.

PRESIDENT DE VALERA: The curious thing I notice about this is that the word Treaty is blocked out in the only signed document I got and in the Press the word Treaty is used. I pointed it out to the members of the delegation.

MR. GRIFFITH: Mr. Childers can explain all that.

MR. CHILDERS: The draft Treaty as signed was not described as a treaty. It was described as articles of agreement and in that form it was signed by the delegation. On the following day it was observed that the word treaty was not used in connection with this draft, although the word treaty was frequently used by Lloyd George and a communication was made to Downing St. pointing out the omission and suggesting that there should be added to the words "Articles of Agreement", "Treaty between Great Britain and Ireland." That was agreed to by the British. These words were inserted and they appear in the copy before me.

PRESIDENT DE VALERA: At the head of my copy it is blocked out and "Articles of Agreement" are at the top.

MR. M. COLLINS: All this can be discussed at a public session. We are now on our trial because we are not constitutional lawyers. Did anybody suggest I was a constitutional lawyer before I went over there? I saw some of our barristers and they looked damn poor fry before some of the other fellows. They didn't do as well as some of the fighting men did before them. How do I know what our lawyers are going to do without law? We noticed on the following day that this document didn't bear the words "Treaty between Great Britain and Ireland". We immediately arranged for it to be put in. If we are expected to be constitutional lawyers and to know how all free states in the world came into existence now is not the time to tell it.

PRESIDENT DE VALERA: It was for that purpose that article 3 of the instructions were put in so that we could go at it line by line.

MR. GRIFFITH: If these points are going to be made we will meet them and beat them tomorrow. In the copy of the Treaty between Ireland and the British Government you make that ground of omission an object for attack on us.

PRESIDENT DE VALERA: I beg your pardon, I am not attacking anybody. I am looking after the interests of Ireland. If there is anything wrong in this Treaty and if this Treaty be ratified I want, at least, to see that we don't be held up as fools. We don't want Lloyd George again to trick us. I don't want the British Government to trick us. I won't trust them. There is an old saying, "Is mairg a bhíos go holc agus bhíos bocht na dhiadh" and I say that because I do distrust them and not because I want to attack anybody here. I have the highest possible respect for my colleagues, every one of them. There is not one of those men who is not the soul of honour and who is not doing his best for Ireland, and I am fighting now not to be beaten by the politicians in England and by English statesmen. We want to prevent ourselves being tricked by England. We want at least to get something and not to be a laughing stock if it is accepted.

MR. GRIFFITH: President de Valera said the word "Treaty" was blocked out at the top of the page. It is not.

PRESIDENT DE VALERA: I will bring the copy I have. It was not the Minister of Finance I wished to say a word against. I was anxious about the Treaty. I was trying to get recognition for the Republic and when I saw this thing I said at least it would be a good thing to have a Treaty there signed by them. But I wondered what was the meaning of this and therefore I feel that the necessary legislation which they will put in is not what the plenipotentiaries imagine.

MR. SEÁN MACENTEE: I don't wish to continue the discussion as to the kind of

instrument which we are to ratify. But *The Times* never refers to this as a treaty and when it published the articles it never published the word "treaty".

MR. SEÁN MILROY: Is this in order to discuss this Treaty and try to bias the judgement of the Dáil before this matter comes up for discussion? Speech after speech has been made condemning the Treaty here and some speakers will repeat their speeches tomorrow. That is not fair play. I insist that you must rule this out of order.

MR. MACENTEE: I claim protection of the Chair. This is a point that those who are to ratify the Treaty should have.

MR. MILROY: They can have that tomorrow.

MR. MACENTEE: It is much better that this can be raised in private.

MR. SEÁN MILROY: What has *The Times* got to do with it?

MR. MACENTEE: *The Times* has always been regarded as the official or semi-official organ of the British Government. If the head of this instrument whatever it may be called were really a Treaty between Great Britain and Ireland then *The Times* had no right to publish that Treaty with the title out.

MR. GAVAN DUFFY: The *Morning Post* of the day that it was signed — and the *Morning Post* can only have got this document presumably from Downing Street, and it heads it "Treaty between Great Britain and Ireland, Articles of Agreement".

MR. KENT: We were assured by the plenipotentiaries that this was a Treaty signed and that we hadn't power to do anything but to accept it or reject it. But Article 18 clearly shows what was in Lloyd George's mind. It says, "This instrument shall be submitted forthwith by His Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to sit in the House of Commons of Southern Ireland and if approved shall be ratified by the necessary legislation."

PRESIDENT DE VALERA: I am not a tactician. I never tried tactics on debate. I don't believe in that one bit. But if I got that document I would be suspicious of it. But I think it right that every member of the House should know about it. If they can get a guarantee that this thing should be ratified by a ratifying Act and that there will be no interference let them get that guarantee.

DR. MACCARTAN: I thought this private session would be used to come to some sort of common understanding. I think the Treaty should be considered if there is some defect in it—if it is called a treaty. The point is whether we can get the English to recognise it as a treaty. We should treat it in a friendly spirit—the spirit of calmly making the best thing we have of it.

PRESIDENT DE VALERA: I agree. It was for that purpose I came here. I am not doing party work and have nothing to do with party or faction work. I am working purely in the public interest in the widest sense. I was going to make a proposal which I would put as an amendment to Mr. Griffith's proposal if I could get anything like a substantial agreement which would end the war and keep us united. If we are not united we can't carry on the fight successfully.

MR. MULCAHY: I have a motion that we can't envisage here the work before us at a public session.

MR. McGUINNESS: I would like to know what is in the President's mind as to the nature of his proposals—something that may be satisfactory to both sides before we take definite action tomorrow.

PRESIDENT DE VALERA: I have again to refer to the past so that you might understand the future. As I said, until the difference in the Cabinet arose when a break off didn't occur on the matter of insisting on the question of whether we remain inside the Empire or the question of allegiance, I would have faced the possibility of war with all that I know it means. On this the word "gambling" was used in the Cabinet. I was asked will you gamble on war and I said, "I will", because I know in the long run the smallest gamble knowing that there were people who would

not be satisfied and that you couldn't get a peace answer. I was ready to gamble on the possibility of war. If the break occurred my idea was that the probability was that the British proposals would be published. We would put up our counter proposals and show the world and see are the British going to make war on us because we won't give an oath to their King. Because that is what it amounted to. I referred today to trying to batter down a stone wall and I suggested external association. I was ready to break if we didn't get it because I felt the distance between the two was so small that the British would not wage war on account of it. You say if it is so small why not take it. But I say, that small difference makes all the difference. This fight has lasted all through the centuries and I would be willing to win that little sentimental thing that would satisfy the aspirations of the country I would wait longer not because you had the national aspirations satisfied. Of course, those are entitled to their opinions as to this document that was referred to this morning. That document came to us and I think we could not have this allegiance. If we could get this external thing—external association—my whole hope was that I would be fighting not on this side but on the side of the plenipotentiaries for acceptance. Now I want to try if I can to recover that situation and going over the Treaty and looking at it and comparing it with these proposals I ask you can we mould these proposals into a document that might include what we could accept. I have managed to draft a thing and I think there is only one snag in it and that is the "Ulster" question. In this Treaty we are fighting Great Britain and not Ulster. Having got this Ulster claim in I don't know how we could go back of that except to make a declaratory statement in the beginning that we don't recognise the right of any part of Ireland to secede, still for the sake of so and so we are willing to accept it. The other thing is this—take step by step this document I hold in my hand and the British document. I worked out something which I think would be a basis of constructive work so that when we come to ratification instead of proposing that Treaty which would divide the country—I know it won't satisfy everybody—it won't satisfy those who want an isolated Republic—that can only be secured by beating the enemy down or by the other thing. I know other people say, "We will hold on". It is quite admissible. There would be only one danger of my producing a document of this kind in a public session. They would say it is neither fish, flesh nor good red herring. But I think there is a document that we could all subscribe to and we could say to the British people—"We can't accept that—we can accept this—that can't bring peace, this can". We know there are some who will never be satisfied. After all what do they want? Is it not friendship between the two peoples? What good is it to Lloyd George to have a majority in this country if there is a strong minority who will continue as before? The British people if they are wise will be willing to give the extra bit of a jump. He (Lloyd George) would be afraid as a politician to sign a document which would be leaving Ireland outside the Empire. But when it is a definite offer—when it is said, "Will you join us as a free people? Are you going to make war on us with a forced Treaty?" It would be difficult to get an assembly like this to agree to any such document. There are in my proposals certain paragraphs which would be accepted by everybody. I know the plenipotentiaries would accept it. I see only one hope therefore in the situation and that is that we should, when Mr. Griffith proposes that we recommend the Treaty, propose an amendment saying that, "This will not satisfy a large section of our people but we here as their representatives believe that this will and we will unanimously recommend this and therefore there is peace in it". If you like I can get copies in here. The only thing about it is I don't expect we will be unanimous. But presented with the *fait accompli* that we are presented with, and with the danger of a division, my own feeling is that a plebiscite in the country, at a time with the papers against us, that our people would accept that Treaty under duress. I believe they would (Hear, hear). I have that feeling—I may be wrong. We know if they did there would be an intense feeling against by the others. I don't want to influence anybody. I know if that were put before the people they would, as a matter of fact, accept it. They would not be wise. There were other things to be put before the people. I am anxious that they should not accept anything less than they can get. It will not mean war. That

is my proposal. If any proposals are not definitely opposed to the principles that anybody holds they will come with us and try to have an unanimous decision on the matter. It is the only way I see out of it at the present time. I let the Minister of Publicity know that this is the work that I was engaged on when I was accused of using the Government staff for a party purpose.

MR. DESMOND FITZGERALD: I did not say that.

THE PRESIDENT: You did. I don't forget it at all.

MR. LIAM DE RÓISTE: I appeal as an ordinary member to those present and to the members of the delegation not to living [*recte* bring] in those small petty questions before the Dáil.

PRESIDENT DE VALERA: I was in America and a similar contest was forced upon me and similar suggestions at the back were being passed about. And there have been suggestions made as if I at one time wanted to do something and then that I left the delegation in the lurch.

MR. BRENNAN: The President has made a certain proposition. I wish to hear the chairman of the delegation's views on the proposition.

MR. GRIFFITH: This is exactly the same proposition we put up twice to Lloyd George and we fought it for two weeks. The fact of it is this, the Treaty is a thing—you have to take it as it stands. The fact of this Treaty [is] we have to accept it or reject it. We have got to take it as it stands.

MR. M. COLLINS: I am anxious to say something in explanation and just to put briefly what the position is. I am glad the President has given us the proposal. We put this proposal. In some ways I think some of the things we have secured from a verbal point of view are better. We put this before the other side with all the energy we could. That is the reason that I wanted certain vital documents and these will show that the same proposals that the President has now drafted have been put already. The suggestion is that we can act on this thing in this way if we wish—the ratification will be moved here. It will be supported. But let it be rejected. Let this thing be put up as what the Dáil will agree upon. That is what we are told here. But I for one want to have it on record that we have put up this already and that we have failed to get it. There is no other delegation that would have got a better or a greater treaty than the delegation that went.

PRESIDENT DE VALERA: Hear, hear.

MR. COLLINS: The thing is this, no Irishman can ever go on a delegation again thinking he is speaking for a straight decision one way or another. Let the Treaty be rejected and let those who take the responsibility for its rejection put that to the country. If war is to follow I accept that decision, and in whatever capacity my services can be of assistance I accept that capacity, but I should never be in the same position but I would always do one man's part in any work I had to do for Ireland. But let it be understood that no delegation should go back to these people whom we distrust. I know the answer they would get—"You can go to the devil; you can't speak for anyone; you can't deliver the goods". In my opinion they won't treat with any other delegation. There should not be and there is no hesitation on my part to face the two straight issues contained in the document. We recommend the ratification of the document. If it is rejected as a most humble individual I will do whatever part my nation requires of me to do in whatever capacity I can serve her interests. But let there be no mistake about it, that we stand for a definite position. We don't stand for nothing. If we chop this thing the British Parliament will chop it. If there is any defect in it from a legal point of view the men who have that particular kind of knowledge will I suppose be seeing to the details of it in that particular kind of way. Let there be no mistake about the alternatives. We have heard about external and internal association. Association means association with them. When I am speaking about the thing itself that is what I would regard as the disaster of this thing. I would prefer to see the document rejected absolutely to passing these proposals, and having taken responsibility for that rejection it means that we are challenging them as a nation to a military decision. Well, I believe they are prepared to give belliger-

ent rights if we made that a condition. We could ask them. If we don't want these rights we need not ask for them. The decision will be in our own hands. But let the thing be an absolutely straight one. Let us clear them out or they clear us out. But let it be understood that we have done our best for the document before you, such as it is. I have done my best to secure absolute separation from England. I have done the best I could in the difficulty for many years. Documents and formulas I could not understand. If I went again I couldn't make any stronger fight for this document than I made for the others. I can't understand these phrases that have been brought in here. I am standing not for shadows but for substances and that is why I am not a compromiser.

MR. KENT: I would suggest that every member here would carefully consider that when in the morning we meet we will present a united front to the enemy, and then we will have no occasion to split the country or to split ourselves either.

THE SPEAKER: I suggest that we have got as far as we could get and it would be a great deal better for us from every point of view to adjourn.

MR. GAVAN DUFFY: I propose that tomorrow be a private session. I think it would be better now to have a public session on the day after tomorrow.

DR. MacCARTAN: Have the discussion in a friendly way on what rejection means to the country. I think some of us know more about the facts than others. As a matter of fact we have had no discussion yet on the Treaty or on the benefits that would be conferred by it on Ireland or on what its rejection means to Ireland. Each member has a very serious responsibility placed upon him to consider these things in a cool and friendly way.

MR. FAHY: Have the committee power to have these documents typed and circulated if they consider them worth it?

THE SPEAKER: You have appointed the committee and it is presumed they know what they are going to do.

PRESIDENT DE VALERA: The point is very pertinent all the same. Now as to the statement of the Minister of Finance. Suppose you make a proposal of this kind the British will feel that they have a certain duty to the delegation that went over and met them and they will say, "Well we are letting them down badly if we don't stand for the other and reject this thing". It must be some form to appeal to the two nations. It can't be, therefore, the question of the delegation at all, it must be simply the form—a sort of appeal to the two nations. It is only a popular appeal to the two nations.

If the Dáil was not fairly unanimous upon it you could not do it. It is my last effort and it is a poor one. It is only a bad best.

MR. COLLINS: There is one thing I would like to keep out of this thing. From the position that we have had to take up we should not be forced into a position and nobody should force us into a rotten invidious position and because I say a certain article will not be accepted. Let no man here put me into the position to argue for anything less than full freedom for Ireland. I couldn't say in my heart that I would regard the Irish nation committed to anything less than full freedom. I could not say in my heart that anything would satisfy me personally—less than full freedom. I believe there are world forces in this present thing. These are all things I could say in the public session. But if we go arguing on this I want to say a word on this showing that we have put up the same thing to the English and it was not acceptable to them. We were not able to prevail on them to accept it. Don't put us in the position of doing anything else than what we tried to do. If we went to Lloyd George he would say: "If I accept this document (No. 2) you will come back after and say, 'we can't accept this now, I want my Republic' ". That would be in reality the position as I see it. And I am not going to be put into the position so to speak of saying that the British would not accept some of this. The correspondence shows that we have already tried it. And I, as one man, can do no more.

THE SPEAKER: In declaring the House adjourned I would like on behalf of you to express the hope that a real effort will be made to conduct this discussion in future in every way worthy of the nation we belong to. It is easier to exercise a

little personal restraint than to meet the enemy in the field.

MR. COLLINS: I think in fairness to us, the Dáil should ask for our resignations (Shouts of No, no).

THE SPEAKER: These are matters it seems to me the Cabinet should come together and discuss.

The House adjourned at 9.30 p.m. to 11 o'clock a.m. on Thursday the 15th December.

# DÁIL ÉIREANN

Private Session

Thursday, 15th December, 1921

The Speaker took the Chair at 11.30 a.m.

MR. MICHAEL COLLINS: Mr. Speaker, there is just a little matter to which I would like to refer before anything else is said. It is this. My private office was raided last night and important books and documents were taken. Is there any member here who accepts responsibility for that raid?

PRESIDENT DE VALERA: As head of the Government here I must say I know nothing whatever about any such raid.

MR. CATHAL BRUGHA: And as the head of the army I also say that I know nothing whatever about it. That is the first I heard about it.

MR. AUSTIN STACK: As the head of the Home Affairs Department I say that I do not believe it necessary to answer any such question, because we would not stoop to such low tactics.

MR. P. O'KEEFFE: We are the Government of the country and we are responsible for order in this country. I do not see what we are meeting here in view of the threats from Cork. I did not get that threat. It is immaterial to me whether I did or not, and I now move the adjournment of this House until such time as the books are restored to the office, and our police find the robbers.

PRESIDENT DE VALERA: Perhaps the Minister for Finance has the best means, as far as I know of finding out anything of that kind. If there is one person in this assembly who has facilities for finding out everything about that, it is the Minister for Finance. Now these facilities ought to be put immediately at the disposal of the Minister for Home Affairs, as the information will be necessary for the Minister of Home Affairs to take action in the matter.

MR. MICHAEL COLLINS: Any facilities I have are military facilities and they can be placed at the disposal of my superior, and through my superior to his superior. The Government have these facilities at their disposal always, and if the Government and this House decided that all these books should be handed over at once, they would be handed over at once; and if they decided that any Government property that I have should be handed over, it will be handed over.

PRESIDENT DE VALERA: Who has done it? What is the cause? Certainly it is not an official action of any kind. The Minister for Finance knows that no one of us here would stand for any such action. It is an action taken by irresponsible individuals. If the Minister of Finance gives us the information, action will be taken.

COUNTESS MARKIEVICZ: It is a provocative act of the enemy. I myself do not agree with the Minister of Finance in this. I would be sorry anyone I knew would be guilty of touching anything belonging to him, because we all respect and admire the Minister of Finance for what he has done for Ireland.

PRESIDENT DE VALERA: Hear, hear.

COUNTESS MARKIEVICZ: It is a most dastardly outrage.

MR. P. O'KEEFFE: I want to give you information I got this morning. If I am permitted, I am going to give the information to the President. He is my master,

and I love him and respect him, and I have given him faithful service, I think, in any case. Mrs. Clarke of No. 6 Harcourt Street, being out of the private office of the Minister for Finance for some time, her husband came to me this morning about 10.25 and said he wanted to speak to me privately. I said all right. He said, "Did you hear that Collins's offices in so-and-so street were raided this morning?" I said I did not. I said, "It is very serious, did Mrs. Clarke touch anything in the office?" He said, "No, she came back and reported to me". "Well", I said, "you better report to Mr. Collins, when I see him I will do the same". That is only word of mouth. It may be wrong, but that is the information.

MR. CATHAL BRUGHA: Did you say the Minister of Defence's office?

MR. O'KEEFFE: No, the office of the Minister for Finance.

MR. M. COLLINS: That is how the report came to me.

MR. D. CEANNT: There seems to be great stress on this document that was sent from Cork. Every member from Cork absolutely repudiates this. We would not be a party to anything of the kind, of having raided any office. I understand there is a motion for the adjournment of this House. I say we ought to proceed with the business and I am sure the Minister of Finance will be perfectly able to find out about the raid. If he is not, I say the army and police at his disposal are no use to Ireland.

MR. M. COLLINS: I do not think the House ought to be adjourned. I received the report a short time ago. There are men investigating the matter at the present moment, and it will be reported officially shortly. As I have made the report, I think the matter may be left as it is until there is something further about it. I have a second question to ask.

PRESIDENT DE VALERA: Before this thing is finished, in order to make it regular, I suggest that you leave the information that you made, with myself and the Minister of Defence and the Minister for Home Affairs to immediately take action so that official action may be taken in anything of that kind.

MR. M. COLLINS: The second question that I want to ask is a question of the President. I presume he has now got a copy on which the word "Treaty" is blacked out, to show to us as the delegation, and I suppose the members are entitled to see it too.

PRESIDENT DE VALERA: Yes, I find that something was blacked out, and I took it to be the word "Treaty". It was the blacking out that drew my attention to the fact that the word "Treaty" did not exist, because I took it the word "Treaty" was blacked out. At the same time, I want it to be made quite clear still that on the only signed copy we have, there is no word "Treaty" in it.

MR. COLLINS: With regard to the blacked out it arose in this way. The head of the document read, "Proposed Articles of Agreement", and when we signed it they became "Articles of Agreement" and the word "Proposed" was struck out.

MR. J. J. WALSH: Do I understand that the British Cabinet definitely understood the word "Treaty" and that it was witnessed by our representatives?

PRESIDENT DE VALERA: I have the only copy Ireland has got. The only official copy of the signed document which Ireland has got is the document in which the word "Treaty" is not used in the head or in the body of the articles. The only document Ireland possesses—the only document bearing the actual signatures of the British delegation—is the document in which the word "Treaty" is not mentioned.

THE SPEAKER: We will have to decide the first thing in accordance with the Orders of the Day. We cannot get into irregular discussion about points that will arise casually. The Order of the Day will be as follows:

(1) Report of the Documents Committee;
(2) Statement, if any, by plenipotentiaries;
(3) The proposal of the President brought forward yesterday evening with regard to an alternate treaty.

Now the matter before us is the Report of the Documents Committee.

MR. KEVIN O'HIGGINS: Has an amendment to the motion to ratify the Treaty—

THE SPEAKER: That will be dealt with when it arises.

MR. M. HAYES: The Documents Committee met yesterday evening and again after the meeting last night. All the members were present and Mr. Childers, who has all the documents, was also present. Before making our decisions we consulted the President and the chairman of the delegation and Mr. Collins. We decided therefore unanimously to pick out four documents: an Irish document of the 22nd November, an Irish document of the 28th November, a British document of the 2nd December and the final Irish draft of December 4th. These are now being got ready for circulation amongst the members of the Dáil. In addition, the secretary's notes of the cabinet meetings were placed at our disposal and we have allowed circulation to the members of the notes of meetings on the 25th November and the 3rd December, in so far as these notes have any reference to the negotiations. The committee received the assistance of the President, Mr. Childers, Mr. Griffith and Mr. Collins and it was handed the documents it required.

MR. AUSTIN STACK: There is one most important document which has not been mentioned—Mr. Barton's notes in connection with the last two conferences with the British delegation. That document is a matter bearing on the circumstances under which his signature and that of Mr. Gavan Duffy were appended to the Articles of Agreement, the Treaty, or whatever it is called.

MR. M. HAYES: The question of Mr. Barton's notes was not introduced. In addition to the documents I have mentioned, we also got this morning all the correspondence passing between the Cabinet and the delegation.

PRESIDENT DE VALERA: Those are the ones I read yesterday; there is nothing new in them.

MR. AUSTIN STACK: If there is any objection to Mr. Barton's notes being circulated—

MR. ARTHUR GRIFFITH: I have none. Of course, it is understood they are not official records.

MR. R. BARTON: The notes were mine. On one occasion Mr. Collins pointed out a position—some lines which he considered might not be exactly interpreted; it was a certain word, he said. Otherwise I have heard no remarks, commendatory or otherwise, regarding the notes.

MR. AUSTIN STACK: Since there is no objection they ought to be circulated.

COUNTESS MARKIEVICZ: I hold that as the secretary's notes of the Cabinet meetings are being circulated, these notes should also be circulated.

MR. MICHEÁL STAINES: I submit Mr. Barton's notes are not at all on a par with the minutes of the Cabinet meetings. It is an extraordinary thing, to my mind, we had in the press some days ago a letter from one of the Ministers in which he stated this body here used words loosely. He mentioned one word "plenipotentiaries". Now I do not agree with him that the word was used loosely and the President in his statement here yesterday made it quite clear that the word was not used loosely. The letter was published in the press, and it made us appear in the eyes of the public, not as a class of school children, but as a lot of fools. Now we come to the Cabinet. It was stated here yesterday these notes were not minutes. What are they? Are not they the official records? I ask the President were they the decisions of the Cabinet.

PRESIDENT DE VALERA: I am quite ready—

MR. M. STAINES: If they were, they were the same as minutes; they are official records, and they are not on a par with Mr. Barton's private notes.

PRESIDENT DE VALERA: I hate to be standing up so frequently, but when I am asked a question perhaps it is as well to get rid of the point raised. Cabinet meetings have been held for a long time under extraordinary circumstances. The secretary, who is perhaps one of the ablest men in the position has, at every Cabinet meeting almost, interpreted the decisions

of the Cabinet. There are often informal discussions, some agreement is arrived at, and he puts down what he considers is the substance of that. Sometimes I might question one of them. But we did not at the Cabinet meetings take down minutes of proceedings as such. They are not read at the meetings. It was not necessary. It was not necessary. It is only when divisions and difficulties arise that the necessity of these formalities is seen. There is this parallel between Mr. Barton's note and the secretary's notes, and that is that they are both records by one individual of some conference that has taken place. The Cabinet minutes, therefore, are simply a record by the secretary of the proceedings of the conference. For instance, we are discussing the doing of something or other and he puts down, "decided to do so and so". On some other questions, since we had big discussions about the Treaty, I think he wrote down his impression of what most people said. I do not know whether it would be in order to get the secretary to give an explanation. I am sure Mr. Griffith will himself admit we did not check these, and he himself would not consider them a definite representation of what he said or what his attitude was.

MR. M. HAYES: This matter was very carefully discussed yesterday. The President and everyone in the House will agree these were not minutes in the sense that they were read and signed. They are being circulated by us under this heading, "Summaries of [*recte* Secretary's] notes of Cabinet meetings".

PRESIDENT DE VALERA: Exactly.

MR. M. HAYES: There will be no misunderstandings or misrepresentations in the minds of any intelligent member of this House, and why, then, should this discussion be taking place?

MR. CATHAL BRUGHA: The matter that has to be decided now is: are Mr. Barton's notes to be circulated amongst the members of the Dáil? It has been stated by the Minister of Home Affairs, and I agree with him, that these notes have a most vital bearing on the conditions under which Mr. Barton's signature and Mr. Gavan Duffy's signature were put to that document. The chairman of the delegation says he has no objection to the notes being circulated. Is there anyone here now who wants to conceal from this Dáil what two of us here say has a most vital bearing on the question? If no one wants to conceal anything, therefore let them be circulated.

ALD. W. T. COSGRAVE: I consider this question of the records of the Cabinet has a much more important bearing on anything we do here than Mr. Barton's notes. All the honour, integrity and responsibility of the Cabinet is at stake. I am a member of that Cabinet and I would not countenance the records of the Cabinet proceedings as being the secretary's impressions. It was never my opinion that that interpretation would be put on them. The Cabinet records have been referred to, accepted and never challenged, and I would certainly feel very much in an undignified position and seriously humiliated if I thought it was a mere impression of the secretary or clerk of the Cabinet, if that was the record on which the Cabinet was to depend afterwards. I feel keenly on this matter because I feel the honour, integrity and responsibility of the Cabinet is at stake, and the secretary and officials should be called before the Dáil to give their explanations (Hear, hear).

MR. CATHAL BRUGHA: Do not let us be taken off the issue of Mr. Barton's notes.

ALD. W. T. COSGRAVE: There is a bigger issue at stake—a much bigger issue. We don't want to conceal anything. I have no objection to all being circulated.

DR. FERRAN: What exactly are we discussing now?

DR. P. MacCARTAN: We are discussing the question of circulating Mr. Barton's notes.

PRESIDENT DE VALERA: As head of the Cabinet I want to ask the Minister for Local Government this. Would you be ready to take them on [*recte* as] a definite record of your opinions without looking that book over? Would you be willing to take this as a definite record of your opinions? Would you swear everything in them represented your opinions?

THE SPEAKER: You are out of order.

PRESIDENT DE VALERA: I beg your pardon.

ALD. W. T. COSGRAVE: Those minutes do not record the opinions of individual members; they record decisions.

THE SPEAKER: I hope the Government will show a good example to the rest of the assembly in the matter of keeping in order.

PRESIDENT DE VALERA: There is an apparent charge being insinuated here that I am running away from something, or that I do not stand by something. I spoke about the Cabinet minutes in the same way exactly as the chairman of the delegation spoke about Mr. Barton's notes. He did not consider them; he had not gone through them and checked them to see if they were in accord with the opinions he expressed. I cannot speak for the minutes of the secretary of the Cabinet, I did not go through them; I do not know whether they are or are not correct from my point of view; neither does any member of the Cabinet. The secretary had not [*recte* no] purpose in making them other than what he thought had happened. I have said I did not find the secretary wrong to any substantial extent. I found only one note, and that was from the assistant secretary, and it was incomplete in as much as it did not give the detail that was necessary. I want the Dáil to understand that we did not make a practice of [*recte* at] Cabinet meetings of reading out the minutes of the previous meetings, getting the assent of the members to everything said and getting them signed as proof and all agreed that they were a true record. They may or may not be true as far as we are concerned; they are the secretary's opinions—his impressions of what has happened and because he has been a most efficient secretary I have never found out what he had written was wrong. We did not have minutes, as such, signed at each meeting by the Chairman, and therefore binding as being accepted by all the members present. I have only read bits in that book, and not having read it, I cannot—

DR. FERRAN: I submit that the President is out of order.

PRESIDENT DE VALERA: I am explaining a thing that is most important to have explained if you are going [illegible]ose who certain documents presented to you. [illegible]use). is the unknown value of these documents. The Minister for Local Government said these were minutes. I say they are not. They are the impressions of one present at a conference—a person who had no reason for putting the result except as it was and putting it to the best of his ability and as he thought it happened.

MR. M. COLLINS: Could not all this be left over until these papers are before the House?

THE SPEAKER: I want to facilitate all of you. These documents will be circulated and I presume the members have sufficient intelligence to arrive at their own conclusions as to their character. A further proposal was made that the committee which has been appointed to look into these documents should take in these documents of Mr. Barton's along with the rest and examine them. That is the right way to do it (Hear, hear).

MR. SEÁN MILROY: I understand Mr. Barton is to make a statement on this particular subject.

MR. R. BARTON: From the very beginning I had intended to make a statement. I am prepared to make that statement in private or in both.

MISS MARY MACSWINEY: As a member of the committee, I may say we have no desire to keep back anything that any single member concerned requires. It was perfectly true there were a lot of papers we could not possibly have gone through. All we tried to do last night was to take the documents asked for on both sides. We did not know about Mr. Barton's notes; if we did we would have included them. If the committee were allowed to retire for a few moments, or if you agreed to postpone the matter until after dinner, we could easily settle the matter. The Dáil is entitled to receive every paper. We have no desire to keep any papers secret from the assembly; no matter whose paper it is it ought to come before us. I think the whole question could be decided by the committee retiring for a few minutes, or having the matter postponed until after dinner.

of the C... The point I made disc... private notes are a... h the official records

...NT: I formally propose tha... notes be presented to the commit... circulated amongst the members. M... Barton has given no reasons for not agreeing with the plenipotentiaries. He read a very important document. We had a statement from the chairman of the delegation also admitting here that he promised on last Saturday week before he had left Dublin, that he would not sign this document until it was submitted to the Cabinet. We want to know all; we want to hold back nothing. We are deciding the fate of Ireland for good or evil. We want to know if any of the plenipotentiaries signed the document under protest. We want to know why they disagreed with it.

MR. SEÁN T. O'KELLY: That committee is still in working order, and it has not yet given back its powers to the Dáil and is within its right to get any document it likes. (Agreed).

MR. ARTHUR GRIFFITH: I want to say one word. I am not going to refer to what Mr. Ceannt said; it is a repetition of what was said here already. I have said Mr. Barton's notes and any document you like can be handed in, but Mr. Barton's notes had nothing official to do with the delegation. I did not read them. I read only a portion of them owing to the fact that all the documents sent to Dublin had been agreed upon. Everything has been submitted to the delegation except Mr. Barton's notes. His record is not to be taken as an official one. That is the only point. I do not want to go back on the other thing about the minutes except to say that for 18 months when the President was in America—at least for 12 months—I promised [*recte* presided] at every Cabinet meeting held and I considered it my duty to see the secretary's minute was read, and after the minute was made, I read it to see if it was right.

MR. R. C. BARTON: Just to make clear to you how these notes of mine were written, I will quote to you the circumstances. A letter was written to the Cabinet by Mr. Griffith, referring to the notes, on last Tuesday week. In that he says, "Mr. Barton is making at my request a long memo of events which I shall bring to you to-morrow night". The sequence of events is not clear in my mind to-day. That is how I came to write the notes.

MR. P. BÉASLAÍ: I want to ask one question. Did the President ever make a practice of looking through the secretary's records? Does he suggest there is any inaccuracy?

PRESIDENT DE VALERA: I did not make a practice of looking through the secretary's record. We had later a practice of circulating to each Department copies of decisions reached. That had reference to questions where executive action had to be taken on something important. But my statement in reference to those minutes is that not having looked through them, as they were not read or signed, I could not be held as assenting, or having assented at any time to these as a true record.

MR. J. J. WALSH: Is it not a fact that these records were not the records of the secretary but the combined and agreed records of the secretary and his assistant?

PRESIDENT DE VALERA: No.

THE SPEAKER: If any question in regard to them has to arise, there will be a time for it.

MR. SEÁN MACENTEE: Proceed with the next business.

THE SPEAKER: The next business is the statement of the plenipotentiaries. If the plenipotentiaries wish to make a statement they are now in order.

MR. ARTHUR GRIFFITH: We are here, I suppose, to answer any question that may be asked. I have already stated the circumstances. I have stated I signed the Treaty and I intend to stand by it. I do not know if this is the time you mean to start a discussion on the ratification. I do not know what is meant by "statement by plenipotentiaries".

THE SPEAKER: Mr. Barton sent in a request to me yesterday evening about making a statement. It was not dealt with yesterday.

MR. ARTHUR GRIFFITH: That would arise when we have all the documents in front of us and when the members have read them.

THE SPEAKER: We can pass on to the next item.

MR. D. O'ROURKE: I would like to ask the chairman of the delegation what would have been the result if the Treaty was not signed.

MR. ARTHUR GRIFFITH: It was the impression of every member of the delegation—they were replying to Ulster that night, and it was a question of whether they would break off with us or not, and from their attitude we knew that probably before we got back to Dublin war would have broken out here; not war in the proper sense but somebody was going to be shot on our side, probably someone on their side and the same thing started again. I had absolutely no doubt in my mind the issue there was peace or war.

MR. KEVIN O'HIGGINS: Did Mr. Lloyd George single Mr. Barton out as the left wing of the delegation and did he say, "The man who is against peace may bear now and forever the responsibility for terrible and immediate war"?

MR. R. C. BARTON: I want first of all to say we were eight and a half hours on that Monday in conference with the English representatives and the strain of an eight and a half hours conference and the struggle of it is a pretty severe one. One, when I am asked a question like that, "Was it or was it not?", I cannot give you an answer. But as regards particular aspects of that question, which I cannot take on oath, I can only give you my impression. It is in my notes that the answer is given, and it is there because it was my impression of that conference. It did appear to me that Mr. Lloyd George spoke to me and I had an impression that he actually mentioned my name; but I could not swear on oath that he mentioned my name, or actually addressed me when he spoke. It appeared to me that he spoke to me. What he did say was that the signature and the recommendation of every member of the delegation was necessary, or war would follow immediately and that the responsibility for that war must rest directly upon those who refused to sign the Treaty (applause).

MR. SEÁN ETCHINGHAM: I wish to refer to the question of the letter of credentials that the delegation got to present to the British Cabinet or delegation. It was not clear whether it was ever presented or not. There was a difference of opinion, and I think it is important. I am given to understand that if they represented the Irish Republic there, they could not, if they had full powers to sign an agreement or treaty, they could not do anything that would in any way break the constitution of the Government they represented. It may seem a trivial matter, but I would like an answer. Did the British Premier, as head of the British body, receive that letter? I thought he had seen it. I do not know the circumstances under which it was offered to him. I am not clear upon the point, and some others are not clear, and they have asked me to make a question. I now ask the chairman of the delegation what happened?

MR. ARTHUR GRIFFITH: We got these credentials from the President. He gave them to us stating if we were asked for credentials to present them. We were not asked for them and therefore we did not present them.

MR. M. COLLINS: It was not a question of presenting them. Mr. Lloyd George did see mine. I was asked if he accepted it. We all know he did not accept an Irish Republic if that is what is meant, and the last letter from Mr. de Valera makes that clear: "We have received your letter of invitation to a conference in London on October 11th with a view to ascertaining how the association of Ireland with the community of nations known as the British Empire may best be reconciled with the Irish national aspirations. Our respective positions have been stated and are understood and we agree that conference, not correspondence, is the most practical and hopeful way to an understanding. We accept the invitation and our delegates will meet you in London on the date mentioned to explore every possibility of settlement by personal discussion."

MR. AUSTIN STACK: It was stated first of all yesterday that these credentials were presented. That was afterwards

altered to the word "shown". It was subsequently stated they were seen by Mr. Lloyd George. The whole question of the power of the plenipotentiaries depends on the use of their credentials with the enemy Government. This document was either presented and accepted or presented, shown or seen, and rejected. If it was seen and rejected they were no longer plenipotentiaries. It was either presented and accepted, or presented and rejected.

MR. D. McCARTHY: This is most unfair.

MR. A. STACK: What is unfair?

MR. D. McCARTHY: It is most unfair, when you had agreed at the Mansion House to give up the idea of the Republic, and now you want to blame—(Cries of "Never").

COUNTESS MARKIEVICZ: Never.

MR. KEVIN O'HIGGINS: The Cabinet had agreed—

MISS MARY MacSWINEY: The Cabinet should have told the whole Dáil. Anyone who did not answer the challenge must hold his peace to-day. That conference did not imply surrender. It must not be said that we at the Mansion House declared for a compromise. In the name of the dead I defy anyone to show that I voted for the compromise.

THE SPEAKER: Miss MacSwiney said all that yesterday.

MR. D. McCARTHY: What is the position of the Cabinet to-day? They do not seem to be doing their business. They have been the schoolboys, not us. Here we have the question of the minutes not being signed. Why, you would have better than that done at a district council meeting. Is the Cabinet a majority or a minority rule?

PRESIDENT DE VALERA: If you wish to put the issue to the House you can. The position is this. If I wanted to exercise the constitutional right I have I could have asked for the resignation of the members of the Cabinet who dissented from me. I would have to go before the Dáil with a suggestion for a new Cabinet, and they could remove me if they thought my action was wrong. In order not to intensify the differences of opinion that existed I thought it unwise, when we had no other differences, to take any action. I thought it better to leave the Cabinet as it stands for the moment. If you wish to regularise the matter, so that you will have a regular Government, you may do so.

MR. DAN McCARTHY: That is not my reason at all for asking the question.

MR. MICHAEL COLLINS: I did not say I offered to resign; I said in face of the circumstances, my resignation should be asked for by the Dáil.

THE SPEAKER: There seems to be an extraordinary notion amongst responsible members of the Government that it is necessary to answer every matter that is raised. That should not be. When they make a point that point must be kept until whoever is speaking has finished. Mr. McCarthy is still in possession unless he has done.

MR. D. McCARTHY: I am all right.

MR. KEVIN O'HIGGINS: A point has been raised in connection with the credentials. If these credentials hold good, then the plenipotentiaries had no power to sign any proposals other than those indicating a recognition of the Irish Republic. The plenipotentiaries in London were in this extraordinary position that they had not power to sign the proposals which could be recommended to you by a united Cabinet. I do not think any member of the Cabinet questions that it was prepared to recommend to you unanimously a settlement involving the recognition of the King of England as head of the Associated States to which the Free State of Ireland—not the Republic—would be externally associated or attached, and to vote to the King of England an annual sum to his personal revenue. If Mr. Etchingham's point is sound, then the plenipotentiaries in London were in the false and extraordinary position that they were not able to conclude proposals which would be recommended to you by the President and a united Cabinet.

MR. SEÁN MILROY: It is a waste of

time to be travelling over all this ground. President de Valera has stated most emphatically that they acted fully within their rights—the rights given to them by the Dáil. I think it is an extraordinary thing that a responsible member of the assembly would get up and try to impugn the *bona fides* of the plenipotentiaries. The plenipotentiaries should get the protection of this House from such insinuations (Hear, hear). I think we would be well advised to drop these small, petty problems, this spirit of acrimony and get on to the serious business.

MR. J. J. WALSH: As regards the original document which is causing discussion, is there one document in existance that can be shown as having passed between the representative authorities in Dublin and London which definitely includes the word Republic? Is there one document?

THE SPEAKER: We will take the next matter.

MR. M. P. COLLIVET: I have a question to ask with regard to the exact meaning of portion of the Treaty, and I wish to ask it of the plenipotentiaries. Would it be properly in order now?

THE SPEAKER: There will be the fullest opportunity given, both in public and in private session, for discussing points of the Treaty.

MR. M. P. COLLIVET: What I desired to ask had reference to paragraph 4, which deals with the oath to be taken by members of Parliament of the Irish Free State. The oath includes this, "I will be faithful to His Majesty, King George V, his heirs and successors by law, in virtue of the common citizenship of Ireland with Great Britain and her adherence to, and membership of the group of nations forming the British Commonwealth of Nations". Is that to mean that we promise to be faithful to King George in the dual capacity of King of Great Britain and Ireland, and as head of the group of states forming the British Commonwealth of Nations? What is the meaning?

THE SPEAKER: It is perfectly evident that that question, or any explanation that has to be given on points of that kind, will arise when this assembly begins to get to the business for which it was convoked, which it has not begun to do yet—that is the question of the ratification of the Treaty. I want to remind the members of Dáil Éireann of the object for which the Dáil is in session, and that is to decide for or against the ratification of the Treaty. We have not yet got to that point, and apparently the action of a great number of the members, though they do not intend it, is preventing us from getting towards it. Now the next item on the agenda is the President's proposal for an alternate treaty. The President will make a statement.

MR. SEÁN MILROY: May I ask President de Valera is this document given to An Dáil last evening containing these counter-proposals an agreed statement by the minority in the Cabinet who are opposing the Treaty?

THE SPEAKER: All these questions will come after the President has made his statement.

MR. JOSEPH McBRIDE: I rise to a point of order. I was fully under the impression that the representatives who went to London were appointed with full powers from the Dáil. They went to London and made a Treaty and they—

THE SPEAKER: That is not a point of order.

MR. JOSEPH McBRIDE: At the present moment you impugn the honour of the delegates and two of them—

MR. SEÁN MacENTEE: Mr. Speaker, I would like to draw attention to the Standing Orders.

THE SPEAKER: Now, Mr. MacEntee, I am in charge of this Assembly, not you. The President will now make his statement.

PRESIDENT DE VALERA: Before I speak here, I will deal with a question I was asked about this document.[1] This document is a personal effort on my part to try to get something which will enable

1. Full text printed in Appendix 17.

us to keep, as we have kept, together. It is not an agreed document, it is a document for you yourselves to consider. It will have no value whatever unless we will be able to get on it substantial agreement. It has been said several times that the Cabinet were in agreement on certain things. Now as minorities and majorities in the Cabinet have been referred to, I want to make it clear that on October 26th the Minister for Local Government, who have [*sic*] spoken in favour of ratification were [*sic*] agreed that under no circumstances could we recommend to the Irish people to become the subjects of His Britannic Majesty, or to take an oath of allegiance, or to give any allegiance to him. This is necessary in order that the position may be understood, and it has reference to this document. That is why I introduce it. If it was only because they were presented at the last meeting of the Cabinet with a *fait accompli* that they have taken their present action, and if they were in agreement that a break off would have been better than an acceptance of the proposals brought over to us on the Saturday, and probably would have held by them were it not for the assurance given which settled all affairs out of the Cabinet. In order to explain the genesis of this document, we have been, from the time we started these negotiations, trying to see a way out—trying to see how a peace could be made which would be consistent with our position and which would be such that some British political [*recte* politician], particularly the Prime Minister, might be able to stand by it with his own people. The two things were necessary. There are several differences between this document and that one. The main difference as you will see at once is that this document could be ratified by this Assembly—absolutely ratified—because there is nothing whatever inconsistent with it and the position of the Republic. To say the Republic was given away because the name Free State was brought forward is to say that words were changed. We are not dealing with words now. We are dealing with certain facts. I hold that Ireland as an independent State, and we as the Parliament and Government of that State, had a perfect right, if it wished, to make with the nation at war with it a treaty which would be consistent with its position and a treaty of that kind we tried to draw up. As a result of our Cabinet meeting we sent such a draft treaty with the plenipotentiaries to Britain. That was ratified by the discussions, and you saw the treaty they brought with them. This was something like what would have been the proposals I would have suggested making to the public in the case of a break. If they had broken and had come over, and Mr. Lloyd George had published his terms, I would have proposed we should publish those. I do not know if every member of the Cabinet would have agreed with them. I am taking responsibility for it myself, as my own personal opinion as the best thing to be done. Now you cannot make peace on the Treaty sent to you—you will not have peace in the country. I say at the same time Britain will not make war on you if you present this as an offer to Britain. I would say we wanted a real peace, and this nation, wishing to be at peace with a neighbouring nation, we are willing to make terms binding for ever, "in order that the same may be established for ever by mutual consent of the peoples of Great Britain and Ireland". That is what will be said of your Treaty; it is something that is to be established for ever by mutual consent of the peoples of the two countries. And it is because I know that the Treaty now recommended would not be accepted by the Irish people as something and [*recte* that] could be taken by mutual agreement, that I am against it, not that I am against peace. The only way I see out would be that we would try to get a document as close to this, or something like this, as possible, which everyone of us could accept. I will talk about the difficulties in the way and the difficulties of the plenipotentiaries afterwards. This document is to a large extent made from the proposals previously made by the plenipotentiaries. The first of these is,

> "That the legislative, executive and judicial authority of Ireland shall be derived solely from the people of Ireland".

If you take this new Treaty—if you accept it—the executive authority will be solely derived from Great Britain. The Irish people's ministers will not be the Irish people's ministers but his Majesty's; the army would be taking the oath of allegiance, not to the Irish State as far as I understand it, but will be taking the oath of allegiance to His Majesty. These Irish forces would be taking the oath of allegi-

ance to His Majesty who would be in charge of these forces. You will not have that in No. 1 if it were accepted. It is in fact an act of renunciation on the part of Britain and if they say the Crown is only a shadow why do they want the shadow? Why do they want the shadow, and why should not we have it? Now Number 2 states:

> "That for the purposes of common concern, Ireland shall be associated with the states of the British Commonwealth etc."

That means therefore, you have an association for the purposes of the common concern with the states of the British Commonwealth. Number 4 states:

> "That the matters of 'common concern' shall include Defence, Peace and War, Political Treaties and all matters now treated as of common concern amongst the States of the British Commonwelath and that in these matters there shall be between Ireland and the States of the British Commonwealth 'such concerted action founded in consultation as the several Governments may determine'."

Therefore their material interests are safe. But I would like you to note particularly the end of No. 4—"that there shall be between Ireland and the States of the British Commonwealth such concerted action, etc." If, for instance, Ireland were associated with the states of the British Commonwealth in the manner in which this document defines Ireland's state, Ireland can, or her representatives can, dissent from anything being carried by a majority vote.

That is the position she would be in under the Act also. In other words Ireland can as a member, or her representative can, dissent from any decision or to anything carried by a majority vote. Ireland must consent in this case as in the other.

> "That in virtue of this association of Ireland with the States of the British Commonwealth citizens of Ireland in any of these States shall not be subject to any disabilities which a citizen of one of the component States of the British Commonwealth would not be subject to, and reciprocally for Citizens of these States in Ireland".

In other words I am substituting reciprocal citizenship for common citizenship. Common citizenship would make every Irishman a British subject. Reciprocal does not. We want to keep our nationality distinct. We want to provide that Irish citizens are Irish citizens and not British. That would save it.

The next is the question of association. At a certain time during the negotiations we agreed as a Cabinet that we would be ready to accept that, when Ireland was associated with the states of the British Commonwealth, Irishmen would be ready to accept the King of Great Britain as head of the association—not as Commonwealth, because we are not in common. That means, if for instance France, America, Spain and other countries joined together that each of these could if they choose accept the President of France as head of the association and he would be President of France, but he would not be President of America or Spain. He would not be head of these countries but he would be head of the association. Therefore under this arrangement the King of Great Britain would not be our King but he would be head of the association in which we had joined. He would, so to speak, be President of the league of nations which Ireland had joined. The next is that Ireland will defend herself. That is necessary for Irish self-respect, so that Ireland was not going to be a member of the association and then sponge on anybody. We are ready as an independent state to do our part in defending our shores, and to bear any expense necessary in our own defence. Now, No. 8. It is obvious that Great Britain at present possesses our ports, and they have the Irish defences in their hands not for Irish purposes but for their own. If Ireland were associated with Britain the defences would be the common concern. As we have not forces of our own in the meantime to take over that defence and do our part in the common protection we would give them the right until we were ready to take over our own defences to defend Ireland. That is a permissive right. That is, that for five years not merely would Ireland provide for her own defence but that she would give an explicit guarantee to repel by force any foreign power or use them for any purpose hostile to the groups of associated states. In other words we would give a guarantee to Britain that we would let no

outside nation get possession of our ports as a means of attack upon Britain. That is the statement I made in America that was referred to as the Cuban article of statement. The only thing to which I subscribed is that we were willing to give a definite guarantee that we would not allow any power to Ireland to use the ports in Ireland as a basis of attack.

> No. 8. "That for five years, pending the establishment of Irish coastal defence forces, or for such other period as the Governments of the two countries may later agree upon, facilities for the coastal defence of Ireland shall be given to the British Government as follows:
>
> (*a*) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed upon between the British Government and the Government of Ireland.
>
> (*b*) In time of war such harbour and other naval facilities as the British Government may reasonably require for the purposes of such defence as aforesaid."

You note the great difference between that. In the other Treaty you will find that some of these are practically given forever. There is a question of giving them until you are ready to do your own share. The next provides:

> "That within five years from the date of exchange of ratifications of this Treaty a conference between the British and Irish Governments shall be held in order to arrange for the handing over of the coastal defence of Ireland to the Irish Governemt unless some other arrangement for naval defence be agreed by both Governments to be desirable in the common interest of Ireland, Great Britain and the other associated States".
>
> 10. "That in order to co-operate in furthering the principle of international limitation of armaments the Government of Ireland shall not build submarines unless by agreement with Great Britain and other States of the Commonwealth."

They are afraid of Irish submarines and it was on that Mr. Lloyd George based his Carnarvon speech, that Irishmen with submarines would block the channels, that they would cut Empire communications of Great Britain. We would give them a guarantee that we would not build submarines unless by the common defence arrangements that would be entered into by this. There was agreement that we should do so. Then as to military defence force I thought at the time it was first mentioned we would get some other arrangement but there is a way out of that.

I am ready to stand over that, that we should not maintain a military defence force the establishments whereof would exceed in size such proportions of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

The next is:

> "That the Governments of Great Britain and of Ireland shall make a convention for the regulation of Civil Communication by air".

And No. 12 is:

> "That the Ports of Great Britain and of Ireland shall be freely open to the ships of each country on payment of the customary port and other dues".

The next is:

> "That Ireland shall assume liability for such share of the present public debt of Great Britain and Ireland, and of the payment of war pensions as existing at this date as may be fair and equitable having regard to any just claims on the part of Ireland by way of set off or counter claim, the amount of such sums being determined in default of agreement, by the arbitration of one or more independent persons being citizens of Ireland or of the British Commonwealth".

The only difference between that and the other is that instead of assuming a continuous debt there is an attempt to make the settlement an actual fixed sum.

MR. COLLINS: That is not so.

MR. DE VALERA: We can only go by what we have on paper. In order that common words shall have a common

meaning I put it in this form—that there should be some actual sum for which Ireland would be responsible, if we were judged liable for any share—that there should be some actual sum for which we would take responsibility. Of course the counter claims are arranged for here.

The next is:

> "That the Government of Ireland agrees to pay compensation on terms not less favourable than those proposed by the British Government of Ireland Act 1920 to judges, officials, members of Police Forces and other public servants who are discharged by it or who retire in consequence of the change of government effected in pursuance hereof".

No. 15 is formed to allay any religious fears that might exist on the part of anybody that we would make laws which would be prejudicial to religion or permit favouritism.

Instead of Provisional Government, in No. 16 we have transitional Government, because there can be no Provisional Government in Ireland until this Republic is disestablished. There is a regular elected Government here and that elected Government until it is disestablished or until it temporarily transfers its powers to other people is a regular Government. This is not a Provisional one and we have passed from the stage of Provisional Government. We have a transitional Government which will secure the same thing, and will not convey the same thing, and will not convey the implication that we had no Government up to this. I put in a rather dangerous thing—members elected for constituencies in Ireland instead of Southern Ireland. This is an Irish treaty. Everybody North and South has a right to be present at any decision which has reference to the Irish nation. Everybody should be summoned to such a meeting. If they do not come that is alright. They certainly have a right to be summoned to anything which would be binding on the whole of Ireland any foreign association. There again is a *fait accompli* that has to be faced. One objection as to the Ulster point of view to the terms of the Treaty is that there is an explicit recognition of the right on the part of Irishmen to secede from Ireland. The difficulty is not the Ulster question. As far as we are concerned this is a fight between Ireland and England. I want to eliminate the Ulster question out of it. As far as they are concerned we will take the same things as agreed on there. Let us not start to fight with Ulster. Let us accept that, but put in a declaratory phrase which will safeguard our right. I am taking 17.

> "That without recognising the right of any part of Ireland to be excluded from the supreme authority of the National Parliament and Government nevertheless . . ."

There is no need to read the rest. It is practically the same, with an odd verbal change, with the rest. As far as the Annex is concerned about specific facilities I left them the same for the same reason. Regarding the period of 5 years, I would give the whole of Ireland to Great Britain for 5 years if afterwards we were quite free. No. 2 I changed because there was no period referred to.

> "A Convention covering a period of 5 years shall be made between the British and Irish Governments . . ."

That is for 5 years only—the other is forever. I am presenting this to you with one desire only, that we might be a united country instead of having a great part of this country dissatisfied, I will not say the majority. I still hold as I said yesterday and it can be tested that if it comes to an election the Irish people would ratify that agreement. If it came to a plebiscite they would do it—under duress, under threat of war. You will have under it a tremendous element of dissatisfaction which will poison the new Government from the start. Mr. Griffith or the Minister of Finance would not like to be referred to as His Majesty's Ministers. You are bound to have recriminations. I never met more loyal colleagues than all those who are with me in the Cabinet. We differ honestly in this matter. I regret more than anything that differences should have occurred on this occasion. But this is a case in which we have to be true to our principles as we conceive them. No matter how good and perfect it was—supposing it was something that could have been easily accepted, there is the difficulty and the danger of a snub. They will say you signed the Treaty and now keep it. It is the final effort to save the situation. They know there is a big division in the country. They would not make a treaty with us at all unless

they wanted to have peace. We say to them on these terms you can make peace, genuine lasting peace, and to these terms we will be faithful in our hearts and not with our lips. We offer these to the British people. It will be the same thing as far as association is concerned—the only thing is you want to humiliate us and we will not be humiliated.

MR. MILROY: I asked a question, and I think it is very important that an answer should precede what I have to say. I might bring to the recollection of the House that the question I addressed was—is this document an agreed statement by the minority in the Cabinet who are opposing the Treaty? He answered with his customary preciseness that it is not an agreed statement but merely a personal statement from himself. Now my interventions hitherto in discussions have been interventions to try and procure decorum and good feeling in the discussion. I intervene now for a different purpose. No private member here has yet definitely taken his side with the Treaty. I am not going to go into the Treaty here today, but I am going to let it be known where I stand. I am going to fight ratification for this Treaty as far as I possibly can, but I want to confine myself to-day to a few observations about this document. We have two documents here—the Treaty and the proposals, not of the minority of the Cabinet, but the proposals of Mr. de Valera himself (Cries of "Order" and "the President").

MR. MILROY: I beg pardon—the proposals of President de Valera. Is Ireland going to go to war for the difference of these two documents?

VOICES: Would England?

MR. MILROY: Yes. I would venture to advise this House very seriously not to gamble on the idea that England does not mean war. I am not saying this as a bogey to intimidate members. Our plenipotentiaries did not commit themselves to what they considered a dishonourable document because they were threatened with war. They knew that the prospect of the menace of war was there if it was not signed, but they did not believe it was a dishonourable document. They believed it an honourable document. If any man here lightly jokes about England not going to war, I say that that man is trifling with serious and grave issues, that will affect not only this generation but many generations to come. England will fight I believe for the difference between these two documents. Are we going to precipitate that conflict? I tell you it is a very serious question. I tell you that war must not and will not be precipitated on account of the difference between these two documents without the will of the Irish people being felt on this matter. Are you going to put these two documents to the country? Let me tell you what you are faced with. You have here in this Treaty a definite practical thing within your grasp. You have in this something which is not a mere suggestion. President de Valera's document is very good and would be splendid if you could have accepted it. If it were a dictated peace with England you might be able to secure it, but remember these men did not go to London to work miracles or to dictate peace to England. I was surprised yesterday by Deputies, in referring to the plenipotentiaries, saying that they did not believe anything like a settlement would come out of the conference, and one of them said he regarded it as a move to gain time. From these two Deputies we heard a great deal about national honour. We heard a great deal about the sacredness of the undertaking we had given here. Do they mean that Mr. de Valera was putting his signature to a lie when he said, "We have received your letter of invitation to a Conference in London on October 11th with a view to ascertaining how the association of Ireland with the community of Nations known as the British Empire may best be reconciled with Irish national aspirations".

They went there I take it, not to gain time, but to secure if they could that which President de Valera said was the purpose for which they went there. They went there for the purpose stated, and they have explored every avenue. All these alternative proposals have been put, and they have brought you back, and they have brought you back John Bull's last word. It is for this Assembly when it comes to consider it to decide whether or not that last word is something which Ireland can accept with honour. If they cannot accept it with honour the only alternative is to reject it. I want to influence your thoughts in this matter. I say that the man who

asks the Irish nation to go to war and to plunge the hopes of the nation into distress and chaos on the difference between those two documents—I think that man will stand condemned at the bar of history as having committed one of most gigantic blunders Irish history has known. Now apart from this question I am not at all certain that in many respects the Treaty is not superior to the proposals of President de Valera. Of course, there is the saving clause about associated action in peace or war being decided in consultation with the other states concerned; but remember that is a very dangerous clause, if there was a possibility of it going to be accepted, to suggest off hand that you are going to be involved in every war in which England embarks. It seems to be an unnecessary undertaking under the circumstances. From the point of view of independence you have no real difference here. The head of the British State is recognised as the head of the Community of Nations. Let us be serious and face facts. Do not let us go sideways into the British Empire. If we are going to go in let us go in with our heads erect and not try to get in dodging around a corner when no one is looking. If the alternative to war and disaster is honourable association with the Empire, decide it which way you will but decide it like men. Then another thing that surprised me was the statement that there is a definite explicit undertaking that the Irish nation was not to build submarines without the consent of the British Government. I do not think there is such an explicit undertaking in the Treaty. Even this document itself adopts the very words, "If before the expiration of the said month, an address is presented to His Majesty".

PRESIDENT DE VALERA: That should be "His Britannic Majesty". Corrections can be made in your copies. This was done late last night and I had not much time to do it. That was merely a clerical error and I would ask you to make that correction.

MR. MILROY: What I think of this whole matter is that President de Valera has a much bigger thing in his mind than the freeing of the Irish nation. I think his idea is to reconstruct the League of Nations. Our idea is to get Ireland free from such obligations to John Bull. It is because I believe that English authority disappears from Ireland under the Treaty that I am going to stand by the Treaty. I do not want you to be led away by rhetoric (Hear, hear). I do not think I am indulging in anything that could be called rhetoric (laughter). I am speaking plain sound arguments and matters of fact. It is for those opposed to me to show that they are not sound, but I tell you that what I have to say here will not be disposed of by gibes or sneers (Hear, hear). If war breaks out again the British army will not be defeated by the sneers or gibes of those bellicose Deputies and I tell you that when war breaks out they will not have to fight or die by proxy, they will have to fight and die themselves (applause). It is a serious thing to have to discuss. I have no purpose but to concentrate your minds on the realities we are faced with. It is not a question whether Mr. Griffith or President de Valera is going to be beaten or win. It is one of the gravest questions or issues that any body of Irish men or women were ever faced with, to decide whether or not at this moment there is a chance of freeing Ireland within our grasp. If there is, do not wantonly or hurriedly reject that chance. Consider it deeply and act according to your conscience and you will do the right thing whatever the ultimate decision might be (applause).

MR. SEÁN T. O'KELLY: I would like to say with regard to the suggestion of the President that for me his document is, to put it blankly, a way out to avoid a split and all that would follow from such if it occurs in Ireland as a result of the ratification or non-ratification of the Treaty, or Articles of Agreement, or whatever else they are called. I am personally a Republican. I have been that since I was 18 years of age. Some of you will know how I became so. I am opposed to this Treaty for one specific reason—for one reason that will not allow me as an individual to give a vote in favour of it, and that is because there is in it an oath of allegiance to his Britannic Majesty. That, I for one, will never accept. I made my position clear a month ago [to] the President and others on that issue. I heard accidentally in Paris that it was proposed to give recognition to the King of England provided other things could be got out of the British delegation. When I heard that I at once, on two hours notice, came home to Dublin. I said to the

President, I have heard this and I do not know whether it is correct or not, and I said that I as one individual will never stand for that, and I tell you, my colleagues, the same, and I will tell my constituents what my position is. When I came up against the Treaty, immediately I read it in Paris—I heard nothing about members keeping their mouths shut until the Dáil meeting or I would not have spoken regarding it—and saw that the oath of allegiance was contained in that document, I felt bound to do everything I could as one individual to defeat the Treaty. There is not a man in this room who has a greater personal regard for Mr. Griffith than I have, nor is there one who has worked longer with him than I have. If it was only a question of personalities I would know where I stand. Arthur Griffith I love and respect. Arthur Griffith, I am very sorry to be opposed to you, but in your political history you have not taken the stand I have. On your political record you are inconsistent in what you are doing. In this Treaty if we ratify it we will make Ireland a British Dominion. We are accepting Dominion status. If such a status were imposed upon Ireland at the point of the bayonet, Ireland has not the forces to beat the British army and would have to accept Dominion status; but, as an individual having the power to decide this question by giving a vote one way or another, am I to subscribe to the statement that Ireland is to thrust aside all her distinct national craving for the sake of peace and willingly, and of her own volition, sign away her status and become a British Dominion? I for one will not sign such a document.

MR. GRIFFITH: I do not like to intervene but I thought we were discussing this document by President de Valera and not the Treaty.

MR. O'KELLY: In this document there is not a suggestion of Ireland becoming a British Dominion. There is a suggestion which I would be prepared to accept for the sake of unity and an honourable peace. I would be prepared to accept association with the Empire. As I understood it, in the negotiations, both sides—the British and President de Valera and his colleagues—agreed to a formula for conference associating Ireland in some form consistent with national aspirations with the British Commonwealth of Nations. I realise that at such a conference it would not be possible to come out with the Irish Republic recognised. Once we went into the conference there would be no such outcome but I looked forward to an outcome that would take us a long way on the road. I thought we might make peace and not have any dishonour put upon us. In the Treaty we would have it put upon us and I have indicated lies the dishonour. There are in this statement of Mr. de Valera things that I as an Irish Republican strongly object to. I object to Ireland being forced to give in any way the right to any foreign power to use her ports and harbours. I object to the right being given to any foreign power to interfere with our right of building submarines or submarine chasers, or any kind of arm or weapon necessary for our defence. But I realise that, as we are not in a position to fight or beat her in the field or sea, we will have to make some arrangement which will safeguard the point of view that she will be left without food if we build submarines, that she should be at our mercy if we do not come to some agreement. I would be prepared to accept some arrangement whether it came from the delegation or President de Valera, if that was the only objection in the Treaty proposed for ratification. There are other points in that Treaty I object to, but of course they are objected to by a number of people and I am not going to enter into details on one side or the other. In President de Valera's statement there are a number of things if I were free I would not recommend for acceptance. These are two issues, one of which deals with the enemy and one of which deals with our fellow-countrymen. If we get the enemy out of the way there is nothing in giving something away to make an amicable arrangement with our fellow-countrymen. A number of points which were objected to by the last speaker I would be inclined to pass over. I would say in recommending the acceptance of President de Valera's document to this House that it gets rid of England out of Ireland. England is planted, in my opinion, in Ireland by our will and wish and signature but in President de Valera's document England has no power in Ireland. She has only power over us as a dominating power as she has power over France. In the same way she has similar power over us, but we do not willingly give

the right to her to interfere in any way with our affairs, internal or external, except in so far as we agree specifically in that proposed document. We say to her that in matters of vital world concern our voice as a free and independent nation must be heard and listened to. We do not give her the right to call us to her council table to be dictated to as to how His Britannic Majesty wants Ireland to be directed in case of war or perhaps in case of peace. That document of President de Valera wipes out in the most decisive fashion the power of England to interfere in any way with the internal affairs of Ireland. It is by no means a free Irish Republic but it certainly does secure that if we make peace there would be peace. There would be a political party in Ireland fighting for the recognition of the Irish Republic. It does deprive the King and his Ministers, both of them, of the right to decide by a majority of the Council what our action in external or internal affairs is to be. That final or almost semi-final letter from President de Valera and our Cabinet to Mr. Lloyd George which was afterwards the basis of negotiations did make it clear that they were endeavouring to reconcile Ireland's national aspirations with an agreement to secure an alignment of Ireland with the British Government. In my humble opinion the Treaty that has been signed does not do that. May I for a moment mention that I look upon the Minister of Finance and those who are associated with him in this matter, some of those who signed the document, as as good Republicans as I am. I believe that for the last few years they were fighting for an Irish Republic. I believe and I put it to them that they departed from that position in accepting the Treaty terms.

MR. J. J. WALSH: Not one jot. If anything in fact we get there quicker.

MR. O'KELLY: Every man here must decide that for himself in consultation with his or her own conscience. I believe that the Minister for Finance—I give him every credit for it—and the others associated with him explored every possible avenue during the conference. They did work which is a credit to them. They achieved many things and they also achieved some things to which I as an individual cannot put my name. I do not really believe that it is impossible to get more out of them than has been got without war. I do not believe that if this document of President de Valera were substituted for the other document and put to the people of England, I do not honestly think that war would be the result. I would say to this Dáil, try it and see what comes of it. If President de Valera's document is not accepted by the Dáil or not accepted by the other side, I with the further threat of war as one individual would refuse to sign or give my vote to any agreed document which would include the oath of allegiance. I do not like the idea of Ireland being [*gap in original*] into war. I must acknowledge that I have not seen and do not know personally except through my family and the newspapers the worst of the war. I was away but I was away by orders, and I would have been at home if I was ordered to remain at home. I am a soldier. While I was in the Volunteers I was an humble private and took my orders and I would do the same again. I do not think anyone would suppose me to be a very able soldier or gunman, but I would do whatever in me lies. I could do no more. I could do no more. Personally I would accept the orders of the captain of my company and go out and fight in case war comes. In case I am told by the President to go to Paris or Timbuctoo I will do so and act to the best of my ability. People say, "You have a soft job away and you come home and ask the people to go into war." All I will say is, "I do not ask any man or woman to do more than I am prepared to do myself". I remember in a speech which President de Valera made at one of the Dáil meetings on the 17th or 18th August, he said that we might be beaten in the negotiations and we might have to go to the war again. But he said whatever the result of the negotiations might be, whatever our plenipotentiaries might bring back to us, if it was not satisfactory, if it did not square with our aspirations and pledges, let us not try to save our faces. I am not quoting his words. We cannot pretend that we have got something that we have not got. I want to say fairly and squarely that if the plenipotentiaries said to us, "We have got something here that we took under duress; we believe that Ireland could not make war at this moment; we took the document under duress", it would influence me materially. I would not personally accept the oath of allegiance

—but that has not been said. An effort has been made in the public Press to get the people of Ireland to believe that their national aspirations are coupled within this document; that the Dáil is to accept this document because it squares with the pledges given to the country. Personally for one I say that it is not any such things. It infringes our honour.

MR. COLLINS: On a point of order—a vital point of order—we are discussing not the Treaty but this document. It is this document, yes or no. A document was put up to me and I had to say yes or no. Let everyone here say yes or no to this document.

MR. SEÁN T. O'KELLY: I will say yes or no but let everyone know how I stand. I made it fairly straight what my views are. No one need have any doubt. I have shouted as loudly as I could from the house top. But I say with regard to the proposal of President de Valera that in order to save Ireland from the consequences of a Parnell split or worse—and it would be worse from this point of view that our men are armed and equipped now and, despite the discipline which the Minister of Defence might endeavour to enforce, incidents would occur and would be ugly—to save Ireland from work of that kind and its consequences, I urge the unanimous acceptance of President de Valera's document as a way out. It would unite the country and unite the Dáil. The plenipotentiaries were bound to stand on their document. We will concede them that right and that honour. Others of us are not bound and are free to do what we believe the right thing. I urge you to accept that doument which you can do without dishonour to your pledges and try and give the President as he asked one more chance to unite the country, and as I say to preserve his services to the nation, for if this thing is turned down he goes down.

PRESIDENT DE VALERA: That has not any bearing on it.

MR. SEÁN T. O'KELLY: It has for me.

A MEMBER: Preserve the services of all the Cabinet.

MR. SEÁN T. O'KELLY: Yes, each and all of them are of extreme value to the nation. I appeal to you to earnestly consider whether you cannot accept this document and try and retrieve the position that we have lost owing to this unfortunate division.

THE SPEAKER: I am going to exercise the privilege of speaking and I ask the Deputy Speaker to take the Chair.

Mr. Brian O'Higgins, Deputy Speaker, then took the Chair.

THE SPEAKER: The last speaker seems to make a good lawyer on his training. He must have felt uncomfortable speaking from his standpoint and pledging this Assembly for the acceptance of the document put forward by President de Valera. I am going to speak to you and you know exactly how I stand. I never claimed to be what I am not. I am a follower of the President, only it is a long way ahead of him in this respect—that I am an opportunist. I am a Republican. I believe in Irish independence. I have always advocated that Ireland must be as free as any other nation and in advocating that I have taken at all times the stand of the opportunist. I make no pretence. Some of you may look on that definition with contempt. It doesn't matter to me. That is the line I take and I deceive none. As an opportunist I could say something on behalf of that document. But from the standpoint of an uncompromising and irreconcilable Irish Republican and separatist at all moments and all times I could not advocate that document. I cannot imagine how any person who takes that stand can express approval of it. If it is approved of on any of its merits it will be approved of for a purpose. I will explain to you what that purpose is. I don't say that is the President's purpose. I am sure it is not. But the only purpose for which that document will be voted for here if a vote can be taken—and I don't think it can—

MR. ML. COLLINS: Nor I.

THE SPEAKER: The only vote that can be taken is for or against the Treaty—ratification or non-ratification. If a vote were to be taken on this document what would it mean? I remember on one occasion in the early history of the Volun-

teer movement, before the Volunteers started, The O'Rahilly and Seán Fitzgibbon came to me and I explained the position and they reproached me with being an opportunist and I admitted I was and I have remained so since. Some of you may remember at a later stage, though few know so much about it as I do, that an attempt was made to bring the Irish Volunteer organisation under the authority and control of the British War Office. You may remember there was a great deal of talk about that. The attempt was made and I opposed it. It was made in a second form, first through the War Office official connected with the Volunteers and through the British military authorities in Dublin. On the second occasion they came direct from the British Ministry through John Redmond and what I did on that occasion was—and I did it deliberately because I was dealing with an enemy, but I could not have done it if I was dealing with a friend —I deliberately took up their first proposal and ran it for a time to kill the second, and with the deliberate intention of killing the first one. Now I say I did that with an enemy. Is it going to be done here with us now? Is this document going to be run for a time to kill that document; and is this document going to die the death afterwards?

PRESIDENT DE VALERA: That is not the idea.

THE SPEAKER: I have acquitted the President of that form of strategy, but if others take it up it can only be on these lines because their hearts and consciences are not in that document. I would like to ask the people who are not like me and I may not know the strain of opportunism in their composition, do they approve of a single line of that annex from beginning to end—a British dockyard port at Berehaven?

PRESIDENT DE VALERA: Five years.

THE SPEAKER: And it is going to be be five years. Where is the guarantee that they are going to leave at the end of five years? These things have happened before. Every concession that China made to the different powers it was for five or ten or some other number of years. And they are all there yet, except one has kicked another out, but China never put any one of them out. That has happened all over the world. I say that it is impossible for people on principle to reject the Treaty and accept that. If any person is making a stand on principle he cannot accept the one and reject the other. The difference is that the substance in them is the same. The powder is the same in the spoon but there is more jam in one spoon than in the other.

From the beginning a totally wrong interpretation has been, so far as I can pick up, running through the minds of this Assembly with regard to the character of this document. It has been spoken of and treated as if they were—what?—not a Treaty regulating the relations between two countries but a document setting up a constitution for Ireland—a new constitution for Ireland. They cannot have that aspect. Not a single member of this Assembly can possibly attach that aspect to them. Why? If you do, if you regard either of those documents as a document creating a constitution for Ireland the sooner we all go on a pilgrimage to John Redmond's grave the better, because why he and his followers fell was because they admitted the right of the British Government to fix a constitution in this country, or the right of the British Government conjointly with Irishmen to devise and create a constitution for this country. It was not in the power of our plenipotentiaries to create a constitution and a constitution does not exist within the four corners of the text. But as a matter of fact the very first article of the President's document is an article which should not find a place in the Irish constitution—"That the legislative, executive and judicial authority of Ireland shall be derived solely from the people of Ireland". We don't want Lord Birkenhead's signature to that. The position in which we stand at present is clearly defined. You will find it defined. I don't know whether it is a slip on Mr. Lloyd George's part or not and I don't care. It is there in print. Article 10, page 4 of the printed document, "The Government of the Irish Free State agrees". I think that disposes of the question of credentials. "The Government of the Irish Free State agrees" and the British Government at the end of article makes another agreement. There is an admission there that cannot be gone back on that this is a treaty between two Governments. Let there be no mistaking it. When any of us have to control a treaty—and you have

to bear in mind this because the opposite has been put before you—when the representatives of a country have to place a construction on a treaty their invariable practice is to construe every item of that treaty in the most favourable manner to themselves. And that is their right as universally acknowledged and it is a totally wrong aspect to put before you that this or that item with [*recte* in] a document can be construed in an unfavourable [*gap in original*]. It is our right to construe it in a favourable way. The material point which I ask you to bear in mind with regard to the whole position is this, that the Irish constitution has not yet come into existence. We are working on an implied constitution in Dáil Éireann, not on a drafted constitution or an agreed constitution. We are working on an implied constitution and it is within the four corners of that document, entirely in our power to draft the constitution of the Irish Free State and when that is drafted—

Pausing here THE SPEAKER said: I would like to see that covering letter from Mr. Lloyd George if it is on the premises.

The letter having been handed to him THE SPEAKER went on (reading)—"It is our desire" so and so—We don't care, we want our desire—"That Ireland shall rank as co-equal with the other nations of the Commonwealth, and we are ready to support her claim to a similar place in the League of Nations as soon as her new Constitution come into effect. The framing of that Constitution will be in the hands of the Irish Government subject to the terms of the agreement." In other words that is what he says, that the constitution will be subject, that is, it will embody in some shape or form the terms of the Treaty. I venture to say it will not embody a single line of that Treaty and I find it impossible to imagine that the constitution of the Irish Nation will be drawn up in which the name of Great Britain is even once mentioned any more than the name of any other country. The drafting of that constitution is going to be, as Mr. Lloyd George says, in our hands and as he admitted last night in the course of the discussion it is to be in our hands. So far as certain things by implication may be construed against us in the Treaty, it is in our power very largely, if not entirely, and as effectively as is done in this alternative proposal of the President's to remove the objectionable implication that may be [in] any of those things. The President told you that under this Treaty in future those whom you would elect to represent you and discharge your business will be called His Majesty's Ministers. By whom? Who is going to call them His Majesty's Ministers?

PRESIDENT DE VALERA: Legally I think they are.

THE SPEAKER: Where is that provided?

MR. SEÁN MacENTEE: In the Dominion status.

THE SPEAKER: Wait till I show you how far that carries you—"Ireland shall have the same constitutional status in the Community of Nations"—that is to say her position with regard to the other nations shall be so and so and so and so. There is not in that a word stating that the internal conditions of the Irish constitution shall be the same as those of Canada.

MR. ERSKINE CHILDERS: In the Treaty, Clause 2.

THE SPEAKER: I see Clause 2 and it is undoubtedly a very weak point. I will face these things broadly. "Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and the Government and otherwise shall be that of the Dominion of Canada". I again insist that it will be our duty to construe that in the way most favourable to ourselves. It says the "position" of the Irish Free State—not the constitution—and "position" is a relative term and can only mean in relation to other bodies.

MR. CHILDERS: Read the rest of the clause.

THE SPEAKER: "Shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State." Very well I have a good authority on the present condition of Canada. A Canadian who has held high ministerial rank says the position of Canada embodies at present, although not in her constitution, the right to secede—

A MEMBER: Three thousand miles away.

THE SPEAKER: I quite admit the validity of the interruption—"the right to secede" because she is three thousand miles away. Could Canada not agree and do things differently from us because she is three thousand miles away? I wish those who make the interruption would have in their minds the difference between sixty and three thousand. It is a useful argument on one occasion and capable of being forgotten on another. I am not making a debating society point that the three thousand miles and sixty miles argument cuts both ways. Therefore that idea that men in the future Irish legislature will have to describe themselves or will be compelled to be described as His Majesty's Ministers —that is construing the thing from the British point of view—it does not require any prophet to know that the term "His Majesty's Ministers" will never be applied, nor will the term "His Majesty's Officer" ever be applied to the officers of that Ireland. If applied it will be on the other side of the Channel. It won't be on this side. You have two things to accept. The substance is in one that is in the other, or if there is any difference with regard to the whole substantial part of the two of them it is not a difference in principle—that is, it is the descriptive part, the phraseology, that differs in the two; the substance is identical. Then as to the other point the last speaker mentioned; he suggested that the substitution of Document No. 2 for Document No. 1 would unite Ireland. I say on the contrary, that beyond all possible doubt, [if] there is any certain way for throwing the Irish public into confusion it will be by substituting that document for the other one. That is as certain as the sun shines. Because those who have endeavoured to explain the thing here near to us, will find it utterly impossible to explain to the satisfaction of the Irish public that this one should have been rejected in favour of that one. What will be the consequence? What is going to happen? We are told that possibly if we agree on this document that we will be able effectively to substitute it for the other. And possibly not. I wonder what the chances are? I should like to know if you could get the intelligent betting man to size up what odds he would give in favour of this solution being successful if you side-track the other one. I know the Irish public as well as most people do and I tell you that instead of leading to union you will throw the whole Irish position into the melting pot if you substitute Document No. 2 for Document No. 1. If you want to divide on Document No. 1, take the straight course against it and then there will be no confusion and the people will know where you stand. But you are going to lead them into a play of will-o'-the-wisp if you attempt to do that by substituting Document No. 2 for Document No. 1. There is an element I have to speak for here that many of you have left out of account. I will point it out in the letter of the President which was afterwards published while these negotiations were going on. The people who were negotiated with on one side were engaged in civil war on the other side, and they were and are still, and that is the situation you have to face again. It won't be the melting pot here and there in Dublin or in Cork and gradually growing up to a war. It will be civil war in the other form with practically the entire—I don't know how to describe them—but the entire Orange population in Northern Ireland at present armed to the teeth, supplied with arms by the British Government during the time when it was negotiating with our representatives. That is what you will have to face and you will give the best of all excuses for the war. Whereas if you go ahead and accept this Treaty—it is just as unpalatable to me as it is to the most uncompromising men here. I don't like a single item of it. It is unpalatable in the sense that it is not pleasant. It was put up to me that it was a dictated Treaty. It is not as bad as all that. My friend said, "Then it is a voluntary Treaty". I said no—

COUNTESS MARKIEVICZ: Are not we discussing this document, not the Treaty?

THE SPEAKER: I suppose it is up to me to show a good example at all events. I have said all that I have to say. I put it to you now that this document—I don't say that the President intended it that way—is a red herring. I say this, that it is a proposal which those who are supporting the President on other grounds cannot logically support. They have to take a vote, yes or no, and stand by that. It will be

thoroughly satisfactory, as a thoroughgoing opportunist, that this position is taken that there is an outstanding Party here in Ireland who will have no approval, and have expressed no approval, for the British connection in any shape or form. That is right and it will be and should be done in the clearest way, and it would be unfortunate if these straight men whose minds I understand, if they, instead of taking that stand which will be clear to everyone and may be the greatest protection for this country, were to act so that every man, woman and child will understand that they took their stand under President de Valera's document.

THE DEPUTY SPEAKER: Is it the wish of the meeting that we continue the discussion or adjourn?

THE SPEAKER: I got a telegram from Mr. Harry Boland which I think it proper to read. It is:

> "Washington. To Eoin MacNeill, Speaker, Dáil Éireann, National University Council Hall, Dublin.
>
> As I cannot reach Dublin in time to take part in the Treaty discussion I must insist upon my right to vote. Having no official information am compelled to take my decision on the text as published here. I desire to record my vote against the Treaty and pray that Dáil will reject the instrument drawn up at London. Acknowledge.
>
> Harry J. Boland, Deputy, Roscommon, Mayo".

The meeting adjourned for luncheon at 1.55 p.m.

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After the adjournment for luncheon the Speaker took the Chair at 4.20.

THE SPEAKER: Now with regard to the course of the discussions we will act on that arrangement that I announced to you earlier, that is those who wish to speak will give in their names to any one of the four Whips and we will then have the discussion in order. They will pass on the names to me and it will be arranged different members of Dáil will speak.

MR. ERSKINE CHILDERS: I wish to appeal to the Dáil for a very close, earnest and dispassionate consideration of the terms of the document, which the President has laid before you, with a full sense of the importance attaching to it and the possibility that unity may be reached upon it, and with the fact that the future of Ireland for generations to come may depend upon the choice given by this assembly between the proposals laid down in that document and the terms of the Treaty signed in London. I do not think so far from the speeches that have been delivered to you that close and dispassionate consideration has been given. Of course the time has been short. It has only been before you for a short time. Nevertheless it seemed to me that there were certain judgements passed upon the President's document which were [*gap in original*] and ill-considered, and delivered without full cognizance of the immense importance attaching to it. It has been said by more than one speaker that broadly speaking there is no difference between the document presented to you by the President and the Treaty as signed in London—broadly speaking I say. At any rate the opinion has been expressed that the difference between the two documents was not appreciable enough to influence the action of the nation at this grave moment of crisis. I ask for a reconsideration of that judgment and for a close discussion of the terms of the document before you. I shall endeavour to prove to you that, so far from the being the same document or approximately the same document as the Treaty signed in London, it is a document differing in vital and fundamental respects from the Treaty signed in London. And in saying that I should like to say two other things. The first I think I can say justly as having been secretary of the delegation in London. I think I am entitled—and I think the other members of the delegation will think I am entitled—to make this general statement. This document of the President is founded on proposals made to the British government in London. It is founded on that. In no fundamental respect does it differ from them. Now I am correct in saying that, throughout the proceedings in London, no suggestion was heard from the Irish side or from the British side that the terms of such proposals—I am referring now to the proposals made in London upon which I again

say the President's are founded—did not differ vitally and fundamentally from the British proposals. They differed in this respect—and both sides knew and said they differed in this respect—that the British proposals left the King of England King of Ireland and Ireland within the British Empire; and that the Irish proposals took away from the King of England, and therefore—it is extremely important—from the British nation authority over Ireland and placed Ireland outside the British Empire. These points were perfectly clearly understood. And here in Dublin when the point is raised that these two documents do not vitally differ, I venture to say that those who would press that opinion have not studied them closely themselves, and I venture to say this further that all the delegates in London will substantiate what I am saying and tell you that they differed vitally. There is a further point. The opinion has been expressed here that if you don't take the President's proposals you might as well go back to the bare unqualified form of a Republic. We will express it in that form—an independent Republic, an isolated Republic and no more. I ask the Assembly to remember this, and every member of it knows that the delegation was sent to London with an expressed intention. It was sent there under the terms of the letters which were passed, and of one letter in particular which the Dáil itself was solid on, to which it gave its unanimous assent so that they should go to London to consider and discuss how an association could be formed with the British Commonwealth which would satisfy national aspirations. There was no question under the terms before the Dáil, or before the delegation, of an absolutely isolated Republic. The question was, could terms be obtained in London which would satisfy that formula and meet the national aspirations of Ireland—that is to say, could the national independence be maintained and an association formed with the British Commonwealth satisfactory both to Ireland and to that Commonwealth? That was the issue. Now this document submitted to you by the President appears to me to be a faithful and truthful presentation of a means of carrying out that undertaking and of associating Ireland—retaining her freedom as Ireland—with the British Commonwealth in all matters in which the British Commonwealth and Ireland could jointly act in cooperation. Now I call your attention—your very earnest attention—to clause 1 of the President's document: "That the legislative, executive, and judicial authority of Ireland shall be derived solely from the people of Ireland". That clause represents that side of the undertaking to which I have just called your attention in which the national aspirations of Ireland are referred to. That clause confers or rather recognises—and in our view it is a case of recognition—the independence of Ireland, and I defy anyone, constitutional lawyer or humble layman, man in the street or whoever it is, to pick a hole in that definition of independence. There are two ways of expressing independence of course. On the one hand a power which claims authority over another can renounce its authority over that other. The other way of reaching the same result is for the nation which has been under the authority of the other to declare its independence. This clause takes a later [*recte* the latter] form. I was amazed to hear you, Sir (the Speaker), in your capacity as a member of the Dáil speaking just now, referring to that clause in a very light and casual manner, as it seemed to me, and saying, I think, that it was a clause which should appear in an Irish Constitution and should not appear in an agreement with Great Britain. I confess I am altogether unable to understand that way of presenting the case. For 750 years, whether we like it or not, England has exercised authority over this island. There is no getting away from it, and when Ireland is making an agreement with Great Britain, an agreement to obtain her freedom simultaneously with an association with Great Britain, there surely must be some declaration of independence in that document apart altogether from the Constitution which Ireland proposes subsequently to set up. There must be an expressed statement somewhere that Irish authority belongs to Ireland and that the King of England's authority does not run in Ireland. And that is contained in Clause 1 of the President's document. Under the British law the King holds—and under the Treaty will still continue to hold—legislative, executive and judicial authority in Ireland. In Clause 1 of the President's document he does not hold, and Ireland and the Irish people alone hold. You have to contrast that first

clause with the second clause of the British Treaty: "Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada"—now—"and the law, practice and constitutional usage governing the relationship of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State". That is the clause you have to compare with the one I have just read to you. Nobody could be in any two minds about the difference between the two, lawyer or layman, I should think. Nobody should leave this Assembly without having made his mind up clearly on the subject and seeing the significance attaching to it. Under the law which runs in Canada the King of England will be King of Ireland and British authority which stands behind the King of England will be British authority in Ireland. Never forget to associate these two things together. The King, a constitutional King, has in fact very few functions having power but he acts through a ministry which does wield power. Wherever you see a King of England acting anywhere throughout his dominions behind him lies the British authority. The King in Ireland will be part of the legislature in Ireland. I am referring now to the legislative function. The Parliament of Canada consists of the King and the two Houses of Parliament and the King exercises functions in that Parliament. He exercises a very important function of giving assent to Canadian Acts of Parliament. He exercises that function through the Governor General who is in Canada as the representative of the King and who in all matters where King's authority is concerned represents the King. Before I leave the legislature, the King or rather, in this respect, British authority has another important power in Canada. The Imperial Parliament sitting at Westminster of which again the King is part; the King, Lords and Commons, can pass legislature [*recte* legislation], can pass laws of its own in London and by law—mind you I am not going to be unfair for a moment—which, by law, can bind Canada. There is no question of that. The liberties and laws passed by the British Parliament in the past have bound Canada and applied to Canada to this day. The same constitution by law would apply to Ireland, namely, that Acts of the British Parliament could by law bind Ireland without Ireland's assent, and without Ireland's knowledge even of they having been passed. That is in addition to the royal power to give assent to the Acts of the Canadian Parliament, which would be transferred in the case of Ireland, giving assent, through his Governor General or representatives or whatever he may be called, to Acts of the Irish Parliament. The King has also an executive capacity. I would call your attention to the second of the President's clauses, "executive". Under the law all executive authority in Canada belongs to the King of England. All executive acts are done in his name by whomsoever so performed. Here again, the Governor General acts for the King, and in Ireland whoever takes the place of the Governor General, or whatever he is called, will act for the King of England. Under the Act of Parliament—and I might remind you here that the liberties of Canada, the constitution of Canada, and what is called the position of Canada in this Treaty are regulated by an Act of the British Parliament—and in my opinion the British government, if this Treaty were to be carried out, would endeavour to place the position of Ireland under a similar authority, namely an Act of the British Parliament. The Governor General acting by authority of the King has appointed [*sic*]. It is bound to ask his advice and consult him; but he is not bound by law to anything and is not bound by law even to ask it, only in certain cases, as for example the dissolution of Parliament and appointment of Ministers and some other matters. That is the law. Every executive act in Canada is done under the authority of the King and every executive act in Ireland of the Irish Government would be done legally under the authority of the King of England. I call your attention next to the word "judicial" in the first line of the President's draft. Under the President's address all judicial authority like all executive and legislative authority would be derived solely from the Irish people. That is not so in the case of Canada. There is a judicial link between Canada and Great Britain in the form of an appeal from the highest of the Canadian courts to the Privy Council of England, a body called the judicial committee of the Privy Council. That exists in the case of Canada and of Great Britain. I am not laying particular stress on it but I have to call

your attention to the terms of this document and to show you what is meant by that word "law" in the British Treaty. As regards the army, in Canada the King of England is Commander-in-Chief of all Canadian forces and with the same law, carried out under the Treaty in Ireland, the King of England would be Commander-in-Chief of all Irish forces. The question of military and naval defence. Now under the law in Canada, and I again remind you that I am later going to speak on what is called "constitutional usage", the power of the King of England and therefore of the British government are practically supreme over Canadians. They can undoubtedly under the law conscript Canadians. They can conduct a military occupation of Canada and use the resources of Canada over any country in which they are engaged at war and they can implicate Canada by law in any such war. Every possibility of that kind is ruled out by this document of the President. In that connection I shall have to refer to later clauses of it but this is relevant in connection with the first clause because that states, "that the legislative, executive and judicial authority of Ireland shall be derived solely from the people of Ireland." We shall come later to the method of association with the British Empire. I must draw your attention now, because they are directly relevant to the matter I am discussing, to the clauses 6 and 7 of the Treaty referring to this matter of defence to which I have just alluded. It would be easier if you would turn your attention first to clause No. 7, "The Government of the Irish Free State shall afford to His Majesty's Imperial forces:—

(*a*) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State.

(*b*) In time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid."

That clause gives the British government a permanent army of occupation in certain parts of Ireland referred to in the Treaty. And apart altogether from that it must be understood from the provision in section 2 which refers to "constitutional usage". That will clearly be understood from the terms of the Treaty. Clauses 6 and 7 are exceptions to Dominion Status—a permanent army of occupation at Irish ports and (*a*) permanent implication in British war waged for whatever object or purpose because under this clause, "In time of peace such harbour and other facilities as are indicated in the Annex hereto or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State and (*b*) in time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid." That indicates that not only the ports referred to in the Annex but any docks or facilities of any sort whatsoever throughout the whole island will be at the disposal of the British government. And if the ports and facilities of an island are under the disposal of a government at war that island obviously and necessarily is engaged in that war whether it likes it or not. The provisions of that clause are permanent and are not affected by any qualification of the constitutional status. I am referring now to the corresponding clauses under the President's draft, numbers 7, 8, 9. I should have referred, before I pass to that, to clause 6 of the Treaty. Clause 6 says: "Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by His Majesty's Imperial Forces, but this shall not prevent the construction or maintenance by the Government of the Irish Free State of such vessels as are necessary for the protection of the Revenue or the Fisheries". Now I think it should be understood exactly what the meaning of that clause is and why it is separated from the other one. Substantially it means nothing legally as a binding undertaking more than is contained in the original proposals of July 20th in a certain clause there which stated that the Royal Navy was to have exclusive control over the coasts and seas of Ireland. "Until an arrangement has been made between the British and Irish Governments"—no arrangement ever could be made without

the agreement of the British government. The only qualification is that Ireland may construct and maintain such vessels as are necessary for the fisheries. Those of course are not defence vessels, properly speaking they are not part of the Navy at all. In that paragraph is contained a prohibition of Ireland from having a naval defence force—naval ships I should say—of her own because [of] the sense and meaning of the clause referring to ships. The latter part of the paragraph says: "The foregoing provisions of this article shall be reviewed at a conference of Representatives of the British and Irish Governments to be held at the expiration of five years from the date hereof with a view to the undertaking by Ireland of a share in her own coastal defence". That commits the British government to nothing whatever and, if there was any result, it would only give Ireland a share in her own coastal defence. Turn to clauses 7, 8 and 9 of the President's draft. It ought to be clear to everyone here that national independence is impossible in the true sense unless the right of Ireland to defend herself, her own coasts and her own shores is admitted. If that right is not admitted no number of treaties or agreements or stipulations can get over the fact that Ireland is restrained from expressing one of the fundamental and essential functions of an independent government. To say that we cannot construct a navy is to make it a protectorate of the country which issues that order. Clause number 7 of the President's draft states the true principle—the principle that every independent nation in the world makes and must make whether it is stated on paper or not, "that, so far as her resources permit, Ireland shall provide for her own defence by sea, land and air". And the latter part gives the further undertaking, "and shall repel by force any attempt by a foreign power to violate the integrity of her soil and territorial waters, or to use them for any purpose hostile to Great Britain and the other associated States". That is meant to give a security to Great Britain and at the same time it expresses a duty and responsibility on the part of Ireland. No such clause appears in the Treaty as signed, and in substitution for that clause appears paragraph No. 6 in the Treaty prohibiting an Irish navy. Clause No. 8 in the President's draft makes some qualifications. There is not the slightest doubt in negotiating with England it had to be made and has to be made. They feel tremendously on the subject of defence and the question before any one negotiating with them would be to meet them in that respect, to meet them without sacrificing the national status and without formally giving up what is the fundamental right of every free nation. Clauses 8 and 9 carry out that principle, it seems to me, as well as can be carried out. They say, "That for five years pending the establishment of Irish coastal defence forces, or for such other period as the Governments of the two countries may later agree upon, facilities for the Coastal—". "Or for such other period as the Governments of the two countries may later agree upon"—that is to say there must be an agreement to change that—"facilities for the coastal defence of Ireland shall be given to the British Government as follows". Both those paragraphs are taken almost entirely from the British Treaty, as you will observe, and they are covered by a five years condition in the first part of the paragraph. And the purpose of that is explained clearly on the face of the document, "pending the establishment of Irish coastal defence forces"—that is a very national qualification because no such thing exists now in the meaning intended, that is the naval sense. The army actually does exist but no naval defence exists at this moment. so that it is a national condition to be thought of in these arrangements that, within a certain time, when Ireland has had time to prepare her own coastal defence force—that time 5 years is a fairly reasonable time, rather a long time in my opinion, but by a period laid down—and that, at the end of five years, British authority in these matters would end and Irish authority would be paramount. No. 9 provides for a representative conference to fulfil that final handing over of the defences from one government to another. It makes it perfectly clear. I think this point was rather lightly made by the Speaker—I think it was you yourself, Sir. I think it is perfectly clear that the function of that conference is to hand over the coastal defence of Ireland to the Irish Government in default of some other arrangement arrived at by agreement. It leaves the hands of Ireland perfectly clear. If it is not clear that at the end of five years they must hand over those defences and [*sic*]

nothing could be easier than to find other words making it clear, but in my opinion it is clear from that. That is the contrast to be drawn between the President's draft and the draft Treaty. There is one other point to be noted. The President's draft No. 10 contains an additional paragraph with regard to the naval defence. It says, "That in order to co-operate in furthering the principle of international limitation of armaments, the Government of Ireland shall not

(*a*) build submarines unless by agreement with Great Britain."

That appears to me to be a useful provision and I am glad it was added. Any free nation has a perfect right to make that arrangement with another nation, nor is its status appreciably qualified thereby. Only the other day at Washington an agreement was proposed for the elimination of submarines altogether in view of their use in modern war. Ireland sacrifices nothing in the way of status by that simple declaration that, unless by agreement with Great Britain and the other States of the Commonwealth, Ireland will not build submarines, a particular class of naval craft. The last paragraph of the same clause refers to military defence and says that Ireland shall not, "maintain a military defence force, the establishments whereof exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain". Only the other day at Washington an agreement was come to between several powers of a very similar character —that is to say a mutual agreement to limit their naval forces in certain definite proportions, one to the other, 60 per cent, 80 per cent and so on. I need not say, and I don't suggest anybody need say who is a Republican that provisions like this would not be disliked [*sic*] if the matter could be avoided altogether. I don't suppose anyone would say that they prefer to have any such provision of that kind in a Treaty with another power if they could avoid it. But this is a worthy fact that in the making of an arrangement of this kind the effort must be in negotiation to go as far as you can to meet your adversary without sacrificing in any essential particular your own national position. That is the time to give in. This defence clause of the President which I hold in my hand will succeed and if it does not succeed it should be pointed out clearly what the resources are. Similarly I should say clauses 6 and 7, the defence clauses, of the Treaty as signed in London do absolutely annihilate Ireland's rights in this vital matter of defence providing for a permanent occupation of Irish shores and for a vital prohibition of an Irish navy. I have had to enlarge somewhat upon that defence matter and proceed into a latter clause necessarily [more] than I should naturally have done if I had taken the document through because they arise from a consideration of the executive power in Ireland as it would be held under the President's draft and the executive power in Ireland as it would be held under the Treaty signed in London. In that respect as I have pointed out before there is no question of the constitution status of Canada and I would like to repeat it again. In these respects the constitutional status of Canada is ruled out. There are exceptions to that rule and therefore the King's authority and the executive authority of Great Britain remain absolutely permanent. Now about that word "Constitutional" in paragraph 2 of the Treaty, subject to the provisions hereinafter set out the position of the Irish State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State". "Constitutional usage", "constitutional practice"—the word "practice" I don't know the meaning of it at all. "Constitutional usage" is fairly well understood. I suppose the best construction to be put upon the Treaty is that the law, as I have described it to you as existing in Canada, and the law, as I have described it to you as it will unquestionably exist in Ireland, are in a certain sense abolished or qualified doubly by the use of the word "constitutional usage" in this sense, that as everybody knows—I suppose at least everybody knows—the Dominion of Canada and the other Dominions of the British Crown have in the course of their recent history acquired a very large measure of liberty. That is not putting it strong enough. They have acquired, I am perfectly willing to say, a virtual independence of Great Britain not

under the law for the law remains precisely the same. By law the subordinate dependencies of the British Crown hold their power under Acts of the British Parliament. That law remains the same but by constitutional usage they have escaped from the letter of that law and, in my opinion, based on a close study of modern development, they have escaped from it to the extent that they are virtually independent nations, exercising full executive rights of their own within these borders, full legislative rights, and in vital matters like peace and war, treaties and so on, have obtained a position in which they can make their voices heard to such extent as to influence Imperial policy. Further than that—and this is not a matter of demonstration at all, this is merely a matter of opinion—that they have practically reached a point at which, as Mr. Bonar Law I think pointed out, if they differed in any vital matter from Great Britain—in a matter of policy—could secede from the British Empire. I don't think it is at all too strong to say that. At any rate in these matters I have been stressing, as regards the law in Ireland, questions of fact —the Canadian Acts by the Crown in the person of the Governor General is in the ordinary normal course of things given on the advice of the Canadian Minister of the day and that the Canadian forces are under Canadian control. They have indeed expressed agreement to that effect. The conditions such as appeared in the draft of the Treaty upon defence have no application to the Dominions at all. But the Crown functions in Canada with strong sentimental force— that is of great importance when you are considering the corresponding position of Ireland—and that the British government representing the Crown also possesses a strong sentimental force but that, in their positions as Dominions, Canada and the rest have achieved a virtual independence. The question is, can that position under this Treaty be given to Ireland, and I ask the consideration of this Assembly very seriously to this matter. Everybody knows how the Dominions of the British Crown have obtained their modern position. They have attained it for two reasons, the first of which is the greatest and most important—their vast distance from Great Britain, a distance which has made it physically impossible to exercise coercion over them, or to carry out the letter of the law which always exists and still exists over them. No such consideration applies to the position of Ireland. The second reason is that they are united by a blood tie with Great Britain. For the most part their inhabitants are connected by blood affinities with Great Britain. That strong sentimental association with the people of Great Britain, that, added to their vast distance, has made it natural and almost inevitable that they should acquire the independence they have acquired. No such consideration exists in the case of Ireland. An ancient and separate racial entity at perpetual war with Great Britain—war, trouble and dissension of some kind for 750 years—and at war for the precise reason that there was no racial affinity and no common national tradition with Great Britain and Great Britain sought throughout the whole of that period to impose her racial characteristics and racial authority over Ireland. Now are you going to stake the destinies of Ireland in the two words in that Treaty, "constitutional usage"? Who is going to interpret those words, what court or by what method, or who is to say what is "constitutional usage"? I know of no court or any method or any tribunal by which this vital question could be answered in a manner that would guarantee the independence of Ireland. What I do know is that the King of England will still be King of Ireland through his representative in Ireland with the functions he exercises being exercised in Ireland from day to day in every particular of the national life in legislative and executive matters. That is what I know. I know too that there has been an internal conflict in Ireland in respect of the exercise of that legal authority between the Irish people and the British people and that Ireland lies within a few short miles of England. So that the Governor General, representing the British King, can communicate by telephone with Downing Street and that the performance of all his functions are legislative and executive. And that the Governor General, do what you will, will not be sitting as he sits in the Dominions 3,589 miles away from the centre. But here in Ireland, close to England in direct contact with all British influences, British statesmen—and unfortunately what will still remain—pro-British influences gathering around that Governor General, as will surely happen, when he forms his court in Ireland and

[*gap in original*] the centre and focus for the British influences in virtue of the British authority which he will carry from the exercise of his functions under the British Crown. You will not persuade me that Ireland under these two words "constitutional usage" is going to have the freedom of the Dominion of Canada or anything approaching it. As to the Oath I have to say very little. A great deal of importance is attached to it very naturally because so to speak it crystallises and symbolises a certain physical state of things—but only a very few people take the Oath, a hundred or two going to the legislative assembly. They are not more bound by the taking of that Oath than any of those sent into Parliament or any citizen of the Irish State or rather, I should say, a subject of King George's because under that Treaty every Irishman and every Irishwoman will be, don't mistake it, a subject of King George. But the Oath as I say sums up the position in a few words for those who are to go to the legislate [*sic*]. Every citizen of Ireland will be in this situation. He will be a subject of King George and he must be loyal and faithful to that authority which carries with it British authority or he must be a rebel to that authority. There is no choice between those two positions. Now I have dealt with the implications and the direct meaning of clause 1 of the President's draft. I ask your attention now to clauses 2, 3, 4 and 5 which deal with a parallel subject of great importance also—the association of Ireland in the British Commonwealth—an association to which the Irish people, at any rate Dáil Éireann, is committed to the possibility of making, and if anyone felt himself not committed to it he should have spoken upon September 13th. But no such word was spoken. These clauses provide for that association and it is clearly necessary—it must be necessary to all who understand the subject—to lay down some rules and conditions governing the terms on which Ireland enters the association because the entry to that association might mean more than one thing. It might mean that Ireland would be bound by the majority vote of the members of this body to which she associated herself. Under this draft Ireland is associated with the British Commonwealth. She might be bound by the majority of the votes of the states composing that Commonwealth or by some central autocratic authority like England which is itself the strongest and most important state in the Commonwealth. Therefore it is necessary to define Ireland's status in the association and the terms on which she would enter that association. Those objects are carried on the clauses 2, 3, 4, 5 and 6 of that document. I would draw your attention to the second clause. It reads, "That, for purposes of common concern, Ireland shall be associated with the States of the British Commonwealth, viz. the Kingdom of Great Britain, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa."

MR. COLLINS: Why didn't you put in the Dominion of Ireland?

MR. CHILDERS: That clause that I have just laid stress on indicated in more confirmatory manner the quality of the status with Great Britain and if she has equality of status at least in rights no less than those enjoyed by any of the other states. This clause defines the position of Ireland when acting in co-operation with these states as follows, "That the matters of 'common concern' shall include Defence, Peace and War, Political Treaties, and all matters now treated as of common concern amongst the States of the British Commonwealth, and that in these matters there shall be between Ireland and the States of the British Commonwealth 'such concerted action founded on consultation as the several Governments may determine'." I would draw your closest attention to those words, "such concerted action founded on consultation as the several Governments may determine." You will see those words are in quotation marks indicating that they come from a certain document which was agreed to in 1917 by the states of the British Commonwealth, including Great Britain, at an Imperial Conference which considered the "Constitutional position of the Dominions". The Dominions at that time had just been committed to the war without their consent. They joined in it although they had been committed to it without their consent, but afterwards a strong complaint was made that they should never be committed without their own consent. That was felt so strongly that the matter was brought up in explicit form before the Imperial Conference and they stated their

position not alone in that matter but in all matters by [*gap in original*] which appears at the end of that clause, "Such concerted action founded on consultation as the several Governments may determine". In other words they enter in future such a conference with their hands free and they are not to be bound by a vote of the majority, least of all by the direction of Great Britain. They are to consult with each other and each of them take such action as their own government might determine. When I spoke of the virtual independence of the Dominions I had in my mind that particular clause. That sums up the modern constitutional evolution of these countries. It sums it up in a better and more authoritative manner than anything that can be expressed. There is no legal authority behind that resolution. It did not alter the law governing the relations with Great Britian; nevertheless it would have a binding effect on their future relations. Under this proposed Treaty by which you enter into an association with that Commonwealth it was necessary to define these relations. It commits Ireland to nothing more than that consultation with the other states of the Commonwealth including Great Britain with the right to take any action determined by her own Irish Government. I want you to compare that clause with clause 1 in the draft of the Treaty. It is the corresponding clause in the Treaty which defines the position of Ireland in relation to the Commonwealth and Great Britain. You will observe there is nothing stated there as stated in the President's draft. The only nations named are the Dominions; the Dominion of Canada, New Zealand, the Union of South Africa. The Commonwealth is not defined as comprising Great Britain and the Dominions and nothing is added further than that constitutional form defining the relation of Ireland to these other states. I think it was not inserted for a very good reason. Words like these might be inserted. Those were actually proposed to the British government on more than one occasion as you will know when you read the document which the publication committee has selected and will lay before you [and] was refused in conjunction with other proposals. It is useless to say that Ireland would have the same position as the other states in vital matters of common concern or that her Government will be able to determine her own action in these vital matters after consultation. I will tell you one very good reason why that would be impossible, if for no other reason that would arise from the proximity of Ireland to Great Britain which in itself would tend to limit and abolish these constitutional safeguards and privileges without any consultation whatsoever. Apart altogether from that no such equality of position could exist with the defence clauses which exist in the signed Treaty. You will now probably recognise their significance in the subject I am discussing. The matters of common concern in the President's draft are defence, peace and war, political treaties. They are mentioned there, some of them, because they are important. After 5 years, under the provisions in the President's draft—and I have explained to you why this interval of 5 years was necessary—Ireland will have a completely free hand to act in accordance with the terms set out in clause 4, that is to take "such concerted action founded on consultation as the several Governments may determine". Under the defence clauses of the President's draft Ireland would have a free hand at the end of 5 years in these matters but under the clauses of the Treaty signed in London never, never. If Ireland is to be permanently occupied by British troops with permanent positions which can only be altered by the will of Great Britain, it is obvious that matters of defence, peace and war, and political treaties which may involve this country in war cannot be matters of common concern in which Ireland will have freedom of action. That should be obvious. It is useless to suppose that Ireland will have the same constitutional status as the Dominion of Canada much less the same status as Great Britain which is said to be their equal under the terms of the Treaty. Everyone here should realise the step they are taking. You should cherish no illusions. Face the matter and ratify if you will but you should not be under any silly illusions. Ratify if you will but do so with the full knowledge of what it means. I have laid my principal stress on those vital preliminary clauses of the President's draft and the Treaty signed in London because they are matters which must determine the decision of this House. There are other matters but they are of less importance than those referred to. They can be dealt with rapidly. In 11 and 12 of the President's draft which I am taking as a text(?).

For this statement in accordance with the system of debate pursued—it arranged for civil communication by air and for the free entry of ships to and between the ports of Ireland and Great Britain [*sic*]. Clause 13 hardly needs much reference. As the President points out very fairly, under this clause he is agreeable to the setting up of an arbitration tribunal to determine Ireland's liability for the present public debt of Great Britain and Ireland as might be fair and equitable, leaving it open to Ireland, if possible, to take over her obligations as a lump sum and free of further financial obligations to Great Britain. Clause 14 is substantially the same as that in the Treaty signed in London. Clause 15 is also contained in the Treaty, though in a different place, and certainly guarantees against any kind of religious tyranny; a kind of clause which appears in many nations. Clause 16 I shall say little about because the President has dealt with it. He pointed out the changes it contains as compared with the Treaty in London. They are vitally important for the constitution of Ireland as it exists at present. The remaining clauses refer to Ulster and are without any substantial alteration for those contained in the London Treaty with the exception that the important declaratory clause, No. 17, declaring the essential unity of Ireland as a principle is not continued in the London Treaty.

MR. COLLINS: Pure Partition.

MR. CHILDERS: Then there is the last clause of the President's draft, No. 23, which reads: "That this instrument shall be submitted forthwith by His Britannic Majesty's Government for the approval of the Parliament at Westminster and by the Cabinet of Dáil Éireann to a meeting of the members elected for the constituencies in Ireland set forth in the British Government of Ireland Act 1920, and if approved shall be ratified by the necessary legislation." That brings me to the end of the President's draft. I would only ask you to compare it as a whole with the Treaty signed in London and form your decision between the two. In my opinion the decision should be the President's draft truly carries out an honourable arrangement that can be made with England, reconciles Irish national aspirations with the association of nations comprising the British Commonwealth. The Treaty signed in London does not carry that out. It will create a position that is not true—a false position in which Irishmen the moment it is signed and for generations to come will be forced to act a lie, giving allegiance and obedience to an authority which they by their own act have repudiated and which it was the object of the creation of this assembly to repudiate. They cannot truthfully abide by the terms of the Treaty. On the other hand they could truthfully abide by the terms of the President's draft. It is of the most enormous importance that this fact should be realised here and realised also by England because it is to the interests of England to make an arrangement with Ireland not based on any falsification of fact or ambiguity or misunderstanding but on the truth on which both sides have long quarrelled. When Ireland comes to an honourable agreement with England then can the two countries go forward in peace and amity.

MR. GRIFFITH: I am not the next speaker but I want to say two words here with reference to the last speaker. I was chairman of the delegation of which Mr. Erskine Childers, not with my approval, was appointed secretary. Mr. Childers said there should be no illusions and there shall be none amongst the members. Mr. Childers made a long and laboured argument to point out that the Treaty signed in London in referring to Canada does not mean that Ireland in law as well as in fact will have the same powers as Canada as implied by the words "constitutional usage". That phrase was made by Mr. Chartres and Mr. Childers to secure that every power enjoyed by Canada should also be given to Ireland and now he makes an argument against it. I say that is a dishonest argument (cries of, Order, order). Mr. Chartres and Mr. Childers were the two men who made that phrase "constitutional usage" saying it would cover every possible power Canada had. We went to the conference, we fought upon it and we got it put in. Now Mr. Childers comes along and tells you it means nothing. He knows the authority we have to appeal to is the League of Nations of which are a member [*sic*]. I say that argument from beginning to end is utterly dishonest.

MR. CHILDERS: Am I to be allowed to answer?

SPEAKER: You will be allowed to reply especially when the word dishonest was used. Terms of that kind must not be used by the members of this House.

MR. CHILDERS: I find myself in a great difficulty. Mr. Griffith, the Minister of Foreign Affairs, has alluded to matters that went on inside the delegation. I have not. Of course I was secretary of that delegation and I was cognisant of the opinions expressed by the delegates. I was permitted—I had the honour—to attend all their meetings though I was not present at the negotiations except at the first few of the preliminary conferences at which hardly any progress was made. Mr. Griffith made allusion to my action at a certain stage in these proceedings. I want to know what is to be deduced from that. Am I to be allowed to explain fully what took place at those meetings which led up to the point he was making against me on which he founded the accusation that I was making a dishonest speech? I don't know what to do, I honestly tell you. I think it is monstrous.

MR. GRIFFITH: I made a straight statement. I said the phrase "constitutional usage" was coined by Mr. Childers and now he gets up and denounces his own phrase.

MR. CHILDERS: I do not know how far I can go in this explanation. I may say this; I am entitled to say it in view of what the Minister of Foreign Affairs said. I, as he knows perfectly well, took strong line on the whole matter from first to last. I was permitted to share in debates—

MR. COLLINS: Mr. Speaker, on a point of order—

MR. GRIFFITH: I have made a certain statement about Mr. Childers, he is the author of that phrase.

MR. COLLINS: I of course will have to explain also but my explanation will be at the public session of the Dáil. I said on all occasions that I was befogged by constitutional and legal arguments. I did not understand them then. I don't now. I didn't care for them then. I don't now.

MR. CHILDERS: I was fundamentally opposed to the document presented to us by the British Government?

MR. GRIFFITH: Does Mr. Childers deny the phrase?

COUNTESS MARKIEVICZ: Surely if Mr. Childers helped Mr. Griffith to find a phrase, surely that does not preclude him from denouncing the whole document.

SPEAKER: A statement has been made in grave language against a member and he must be allowed to make an explanation.

MR. CHILDERS: It was my duty as secretary, and I considered that the worst possible document, to help so far as I could in improving it. The words "constitutional usage" did not appear in point of fact in the first draft. In an attempt to get some kind of result from the document submitted to us by Mr. Griffith we put in those words. To brand me as a dishonest man because I endeavoured to improve a rotten draft by some word that may be a little better is a monstrous thing.

MR. GRIFFITH: That does not answer my question.

MR. COLLINS: If there is anything about the position or any points to be spoken of here about the delegation I am willing and anxious that all documents and all letters should be put before the members of this Assembly. I did take a strong line on some things because I was sick and tired of legal arguments.

MR. Ó MÁILLE: I would suggest to you, Mr. Speaker, that a rule should be made upon the time allowed to each speaker. A number of us here from the country, only plain ordinary men, are entitled to a voice in the proceedings as well as anyone else.

MR. KEVIN O'HIGGINS: I have listened with considerable attention to Mr. Childers' erudite eulogy of the President's draft and I am sorry it has fallen to my lot to bring this Assembly back to earth from the rarified atmosphere of the top storey of Mr. Childers' castle in the air. I have to remind you that this draft of the President, if you swallow it, involves the rejection of the Treaty. I have to remind you if you swallow this draft of the President that it is very doubtful if the country will, more particularly if the swallowing of the draft involves the resumption of war against

fearful odds. Mr. Childers made a certain case for the draft which differs somewhat from the case made by the President. Mr. Childers' case was that it is a very considerable improvement upon the Treaty. The President's case was that it differed so little from the Treaty that rather than make war the English Government would give way. He (the President) spoke of the difference as one merely of shadows and said we were entitled to shadows. Mr. Childers—at some considerable length—went about showing that there were very real and very grave and very fundamental differences. Between two such eminent authorities on constitutional matters as the President and Mr. Childers it is hard to choose, where the main thing to bear in mind is that the adoption or approval of that draft for the President involves rejection of the Treaty. I wonder does the President mean to say he is gambling? Well, gambling is a legitimate thing up to a point but we selected 5 men of judgment, 5 men of outstanding worth, and we sent them to London and those men signed a Treaty believing they were getting the last ounce that could be got from the British Government and believing that the alternative would be terrible and immediate war for the country. Now we are asked to say that it is not the last word in war and that if we stand on the draft of President de Valera the British Government will give way. I say it will be an insult to the men you sent to London, an insult to the intelligence of the Dáil and an insult to the country if you ask them to back you on such a proposal. The scene preceding that Monday or Tuesday morning was this; a deadlock was reached on Sunday night, what was practically a break was reached on Monday, in a last desperate effort to reach an agreement the plenipotentiaries—or some of them—again met the British representatives, it is true, at the request altogether of the British representatives. They had the treaty of Saturday before them. That treaty contained very grave defects. There was an objectionable trade clause and a defence clause and an objectionable clause relating to Ulster all of which were amended. And then we have all this about why didn't the President see the final draft? Why didn't the captain of the ship see it? That is hollow and foolish. He could never have seen it. Lloyd George said, "If I am going to fight again I am going to keep my friends both in Ireland and England and I will not give these things unless you sign." The train was waiting and the gunboat ready to bring a letter to Craig either sending the new proposals or telling him the negotiations had broken down. They were faced with a choice and if they had shirked their responsibility they would have been false in their duty to the Dáil and the people of Ireland. And because they did not do it they are placed here like men in the dock—this because they fulfilled the trust placed in them through you by the people of Ireland. Great latitude has been allowed in the discussion on the President's draft. In it the President has been trying to find a way out of the welter he has created. So hasty, so precipitate, so eager was he to take action in this matter that the Minister of Local Government and myself had the very greatest difficulty in persuading on him to wait till the delegates arrived before he hurled a bombshell that split the greatest political movement, the solidest the world has ever seen. He waited for 24 hours and the next day the fateful Cabinet meeting was held. Even some people who were not entitled to speak at that meeting spoke to the President and implored him to consider what he was doing and to consider the consequences of his act but we might as well have tried to hold the west wind. Now the time of the session of An Dáil called to consider the document brought home by their representatives was taken up with reading of a document which represents the President's way out. Last October the Minister of Local Government and myself came deliberately to the decision that we would not recommend any settlement involving allegiance to the King of England. That is true, but I am not ashamed to plead guilty to the fact that I consider political realities and the consequence of my vote. It would be well for Ireland if the President considered most carefully the consequences of his action and if he faced political realities. I would have gone back to war rather than recommend a settlement involving allegiance if the Treaty had not been signed. But I face the political situation and realise that some of the biggest personalities in our movement—men who did more for the country than any other men—that they have considered this is the last ounce could be got from England, and who, knowing the situation better than I do, attached their

names to that document. In the face of that we could not ask the country to go back to war and if you do what will you have, a demoralised, dispirited, disunited country and, with due deference to those in authority, a demoralised, dispirited army, an army many of whose members would say, "What was good enough for Arthur Griffith and Michael Collins is good enough for us. Why should we be hurled back to war again on a whim?" Now, Mr. Childers on speaking of this draft of the President's and comparing it with the other Treaty signed in London spoke of it rather in the tone of a man who was saying, "You could have either if you reject this Treaty". I do not know what reason he has to suppose that the English Parliament and the English Government are going to swallow the difference between the Treaty and Document No. 2. My own view is that Ireland would have to go down on its knees to see what the difference Mr. Childers says does he think England—because the Dáil says we won't have this—that England is going to give. Does he not think that England knows if she resumes war that Ireland will be at her mercy with her people disunited and broken up into fractions? Mr. Childers made another statement that Ireland will be the bond-slave of England and the English King under the Treaty. I will appeal against that to an authority and that is the authority of Mr. Childers himself for which I am sure he has the greatest respect. I want to refer to a document he put in himself, "Law and Fact in Canada."

MR. CHILDERS: May I ask that the whole of the document if part of it is read.

MR. O'HIGGINS: It is in 2 parts. If Mr. Childers insists I will go through the lot of it.

MR. CHILDERS: It is a question of giving fairly and fully what is in that document.

MR. O'HIGGINS: In the Treaty we come here to the end of Clause 2 governing relations of the Crown and the Irish Free State. I do submit the words "constitutional usage" are there for one purpose and one purpose only and that is to neutralise and nullify the word "law". They are put into that clause with that purpose and they are the safeguards our constitutional experts advised. The British representatives spoke of the Crown merely as a shadow but it was such an important sentiment to the English people that they would never, and no government could ever, carry those proposals if it were not put in, but they agreed to put in any safeguard and [*recte* that] the Crown would have no greater authority in Ireland than in Canada. The insertion in the Treaty of the words "constitutional usage" were then put in on the advice of our experts, whether Mr. Childers or Mr. Chartres, or Chartres-cum-Childers, I don't know which but at any rate these words, following the word law, "practice and constitutional usage", was what they decided to put in to ensure that the Crown would have no greater powers than in Canada.

MR. CHILDERS: Not to ensure.

MR. O'HIGGINS: Mr. Childers asked who was to be the judge. My answer is, not the League of Nations. We are to be the judge and we to be the court. I say and [*recte* that] the fidelity in the Oath which we say will give to the King of England is contingent on England respecting to the full the terms of this Treaty. If she tries to infringe on those terms then, in so far as that Oath was taken at the cannon's mouth, its binding force disappears. We are the judges how far the words "practice and constitutional usage" are binding. Then we would have an army.

DR. FERRAN: Would you go to war in defence of your opinions?

MR. O'HIGGINS: We would have no enemy in occupation then. These safeguards were put in to ensure that the power of the Crown would be no greater in Ireland than in Canada. Members talk of a way out. I do not see any way out. I do not see any way out now. There was a way out last Thursday and, if the President gave as much time and thought to the matter then as no doubt he has given to it since, a way out no doubt could have been found. The President as representative of a weaker nation up against the alternative of war could have issued such a document which, while it prepared the nation for acceptance, would still remind them that it was not recognition of their independence. He could still with grave dignity have accepted but he could have said, "The

alternative for my country is war". He could have said our representatives in London were threatened with terrible and immediate war if this document were not accepted and signed. In that spirit and in that spirit only Dáil Éireann will accept. It could have taken this Free State in such a way that this Treaty would have no binding force in Ireland. But instead he split the finest, the solidest political movement the world has ever seen from top to bottom.

PRESIDENT DE VALERA: I must protest.

COUNTESS MARKIEVICZ: It is most undignified that any member should get up and abuse the President without any protest from this House. The President's action is not under discussion.

MR. O'HIGGINS: This Document No. 2 is being commented upon.

MR. P. BRENNAN: It is just as well face it now before we go into public.

MR. O'HIGGINS: The President's way out is no way out. It involves rejection of the Treaty and brings a demoralised country back into war unless England is so foolish to give the difference between this document and the Treaty. I submit that, knowing well the conditions existing in the country, they will not give the difference.

A MEMBER: Some men could not see principle if they had a microscope.

MR. O'HIGGINS: It has been said that to ratify this Treaty involves an abandonment of principle, that it is a betrayal of the principles of the men who died for independence in the past. When a country went to war in a just cause, or when an unjust war was forced upon it, must it continue that war? Has it no right to make terms? I submit that the men who went out in 1916 went out in the spirit that a military victory was out of the question and that they had to take terms in the interests of the nation that fell short of independence. Does anyone submit they would have fought on for a recognition of Irish independence? Are we to be denied that right to make terms in their name today? If the principle of Irish nationality is not immortal then it has died many deaths because the chiefs of the Irish clans swore allegiance to Henry VIII, the members of Grattan's Parliament sat in allegiance to the King of England and from 1800 we have been sending members to sit in the English Parliament at Westminster; and yet when Pearse went out in 1916 and proclaimed a Republic would anyone say he was acting dishonourably because the Irish chiefs gave allegiance to Henry VIII, because Grattan's Parliament sat in allegiance to the King at the time, or because John Redmond and his Party took an oath to the King of England? Parnell in his fight for freedom took an oath to the King of England. The struggle was a constitutional one and Parnell said no man had a right to set bounds to the march of a nation or to say thus far shalt thou go and no further. We who stand for this Treaty stand for it in the full truth of Parnell's dictum (applause).

MR. GRIFFITH: I would like to say that in my reference to Mr. Childers I did not wish to imply that he himself is dishonest. I did not mean the man himself, I referred to his argument.

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On resuming at 7.20 p.m. on Thursday 15th December THE SPEAKER said: I understand there is a motion to come before us for adjournment. Several members have sent me questions and I have them in hands for some time and perhaps it would be well before we take this adjournment that the questions should be asked. I take these questions now. The first is from Seán O'Dea[1]. It is:

> "I desire to ask the chairman of the delegation of plenipotentiaries whether there is any written undertaking as to the length of time the process of evacuation of the British forces is considered or expected to take?"

MR. SEÁN O'DWYER (?)[2]: Before you ask that, I would like to say this that before we begin for every reason I hope you will make an appeal to all of the members to conduct this discussion with decorum and good feeling and with respect for one another.

1. This is an error. There was no Deputy of this name.
2. Question mark is in original. There was no member of this name.

THE SPEAKER: I am sure it should not be necessary for me to make any such appeal. But I put it on this ground that any divisions that exist here and might take an unpleasant form are certain to be reflected in an aggravated form in the public outside, and that I am sure is what every single member here desires—namely to avoid the division of our country in the face of the enemy of our country into two hostile camps. I hope that the circumstances will not be denied that we are still in the face of the enemy and that our division into two hostile camps is the most fatal thing that could happen to us, because it would not be only disastrous to us but would dishonour us before the entire world. Now the best means that all of you can take to avoid that is to avoid it between yourselves, for any overstrain of feeling that is exhibited here is reflected outside. You are the pick of the nation sent here as representing the nation. Any overstrain that is shown here—I know people can't help feeling the strain but it is their business to restrain themselves outwardly—any strain here will be aggravated in its reflections on the nation; and therefore I would ask every single member when speaking to bear that in mind—that a degree of difference here between you is certain to be reflected in an aggravated degree in the country; and the result of that will be more and more to divide us into two camps in the face of the enemy. Now it is not necessary for me to enlarge on that. I hope it is not. I myself, I suppose, feel the strain as strongly as any one does. I feel the crisis that we are in perhaps as strongly as anyone does here and I do my best not to allow myself to exhibit that in my personal feeling towards anyone; and every single one of you can do the same and not only can you do it but you must do it. You are bound in duty to the country to do it and every person who transgresses that duty at this time commits a very serious offence against the good of the country and against the interests of the country. It is not consistent with fidelity to our national ideals to forget ourselves, to indulge in any fierce recrimination amongst ourselves.

MR. A. GRIFFITH: On the evacuation question Mr. Lloyd George said to us, and in his letter he repeated it, that immediately on ratification of the Treaty he would start the withdrawal of the Crown forces from Ireland. He said it would take about a month. In about a month they would be all out. Are these other questions to me?

THE SPEAKER: Yes.

MR. A. GRIFFITH: Would it not be well I saw them?

THE SPEAKER: Yes, I think you are right. I should pass these questions to the Ministers. Here is a question addressed to the President, "Has the President received any report from the Chief of Police as to the burglary from the office of the the Minister of Finance?"

THE PRESIDENT: I have been told by the Minister of Home Affairs that the police are investigating the matter and I also spoke to the Minister of Finance and he said I need not bother about it. Is not that so?

MR. M. COLLINS: Arrangements are being made for men to be put in there to-night.

PRESIDENT DE VALERA: A word or two with reference to the remarks made by the speaker who spoke just before the adjournment, with reference to the saying there is an inconsistency between Deputy Childers' statement and mine. It is only an apparent inconsistency. If constitutional usage were to cover everything—we have no guarantee of that—there would be very little difference. There would be of course vital difference on the allegiance or the acceptance of the King as the King of Ireland. There is one further vital difference, that is the difference between the permanent occupation of Ireland, of Irish ports, and so on which is possible in one case and is not possible in the other. Now I must protest against accusation of causing a split. I had either to do my duty or not. Once before, when another political movement asked me for unity when conscription was on, I agreed to it. If people are going to hell I never think it useful to be with them going there. I felt it was my duty not to do that as regards the division in the Cabinet which originated not with me. The Minister for Defence here put it up to Mr. Griffith when he was going back, when he thought there was a possibility of accepting the Crown, that it would mean a split. Mr. Griffith said he

could not break on that; he thought there would be a split. Mr. Griffith said he could not break on that; he thought that there would be a split anyway. Then he undertook to bring it back to the Dáil. I was not responsible for the split so I did let it appear that the document for which I was in agreement I did say that that was Government policy and they have to pass it afterwards and I would be told why didn't you say so at first.

MR. GRIFFITH: I say nothing against what the President said: "If we break on the Crown we would also have a split in the country". But the President got the option of coming to London.

PRESIDENT DE VALERA: There was a principle to gain so I was making up my mind whether I would go or not. I explained it when Mr. Griffith gave the undertaking that he would not sign it, that he would put it before the Dáil. I felt it was not necessary; I probably would have gone.

MR. CATHAL BRUGHA: As a result of some of the remarks I made the Minister for Finance offered after the five of you came back five others would go. I would have accepted that only for the undertaking given by the chairman of the delegation that he would sign nothing, that he would tell Mr. Lloyd George that he would come back here and leave it to the Dáil.

MR. M. COLLINS: I think it only right to say there was a document there and Mr. Griffith said he would not sign that document and a different document was signed. Whatever we may say to the fundamentals we can get right on this. If it is to be suggested that I for one would be responsible for any split that is not the position. I have suggested to the Dáil to ask for my resignation. If the Treaty is rejected I am not going to make a split. I will follow in the position that I should be in and you can get over it by being men, by accepting or rejecting and finishing it.

COUNTESS MARKIEVICZ: I only want to say this. As far as the split is concerned I say the preliminary to a split first occurred when the Treaty was published. I myself would not have ratified that Treaty when I read it first and not only I but other people that I have spoken to. Therefore I maintain that any difference of opinion that could possibly lead to a split occurred when the Treaty was first published, not after our President's answer appeared in the paper.

MR. LIAM DE RÓISTE: Is there any use at all in this talk on the resolution that we go into private session to-morrow at 11 o'clock? We will hear all these arguments again.

THE SPEAKER: I hope not. There are two questions before us that have been raised—that is to say the question of personal responsibility as to what has happened and the future question as to what the Dáil itself is going to do. These are totally different questions. I don't want to sidetrack either of them. But I want to know would it be possible to deal with this as a matter of personal responsibility because they are not the same thing. The merits of the decision you have to come to are absolutely independent of the merits of the action taken by people in coming to that decision. There is no connection between the two at all. You will do wrong, if the Treaty is wrong, by adopting it. You will do right, if the Treaty is right, by accepting it and it will make no difference to you if other people have done right or wrong before you. I appeal to the people on both sides to weigh this. The question of responsibility could be dealt with in some other way because it is a challenge to us. We have been holding a kind of trial or impeachment in this matter. That is not what the public is interested in and it is not the crucial point. It's the Treaty or no Treaty. I am throwing that out for you. Reflect on, between this and our next meeting, that there is any other way of dealing with these charges and counter charges besides talking at this meeting.

LIAM DE RÓISTE: I propose that we now adjourn.

THE PRESIDENT: I second that.

MR. DOLAN: I oppose it. We have a lot of preliminary work to do before we come to the real work we have to do. And I think there is good time being lost to-night if this House adjourns without having done something. And I think it would be a great mistake to adjourn. I say we can sit on here till 10 o'clock tonight and do good and useful work for the nation.

MR. MILROY: Before you put that motion I would like to ask you what is the business for tomorrow's private session?

PRESIDENT: In my position as President and Leader of the House I speak. When the motion was moved my object in seconding it was that we would not be able here tonight to come to any decision as regards the private session—we would want to discuss this matter further and that would mean that we could not begin a public session tomorrow. If you have a half a day off it will do you a lot of good to be able to approach the public session then.

MR. M. COLLINS: I would like to know what's the necessity for any further private session unless to arrange for a public session. We have talked and talked. Might we not as well have dealt with the matter at a public session and gone straight for a straight issue acceptance or rejection and let us have that finished with. The issue of course has been cleared considerably by the document that the President has put in. But otherwise I don't think we have advanced one bit from where we adjourned the public session.

MR. GAVAN DUFFY: The private session was decided upon so that we might clear the air. The air is not cleared yet as the large body of the private members have not expressed their minds at all. The documents which the committee have decided to put before the House have not yet been put before the House. In the circumstances I do suggest that you should give ample time to this Assembly to discuss the matter and that you should do something tonight and give the whole of tomorrow to the private session.

MR. M. COLLINS: The documents can't be ready tonight, and if we could start with them at 11 o'clock in the morning we might do some good.

MR. LIAM DE RÓISTE: First and foremost we are here all day listening to certain statements being made on one side or another—statements which I contend are not connected with the issue here and things that should be settled between the Cabinet and certain members of the delegation in London. It is my opinion and the opinion of others that heard for the first time some Cabinet secrets that we were never told before, and it would be to the advantage of the whole country if we had been told them in the past. We come up here and we are in no particular hurry about this Treaty at all. On its acceptance or rejection, it happens, rests interests of the country and nation and we are prepared to remain here for twelve months if necessary to prevent a split in the country. Now I propose adjourning into a private session tomorrow because I fear that if we go into a public session the things that we have been listening to—it is not a split in the Dáil but a split throughout the country, a split in the army and a split in the Sinn Féin organisation and the enemy taking advantage of it. And I think it is the interest of every one in this Dáil to prevent such a thing happening at this time. Why I propose we don't go on tonight is because we have had quite enough of the things that we have been listening to this day. And if there is anybody in authority in the Dáil I think it is their duty to put it before us in the Dáil if we are a Parliament—some Orders of the Day, some procedure to discuss and not a few cries across the floor of the House. If we are to regard ourselves as a Parliament I think that should be done tonight. So that when we go into private session tomorrow we know what we are discussing.

PROFESSOR HAYES: I am told by the secretary that the documents will be ready in the morning and they could not be given out to anyone but to the staff of Dáil Éireann. With these documents in your hands in the morning I speak in favour of adjourning now provided an agenda is produced for the private session. The agenda paper yesterday was not kept to. The first motion was a private session. We discussed at one and the same time yesterday the President's speech and the motion to go into private session and the amendment to the motion and a further amendment at one and the same time. If there is any government in this country and if there is anything to be done at a private session why not have an agenda? And I make this suggestion that the whole Cabinet comes together (nobody has resigned) comes together to draw up an agreed agenda for a private session and that we should keep rigorously and absolutely to that agenda. At the public session we have only one thing to discuss, that is the motion for the ratification of

the Treaty and the things arising out of that. I don't like to speak of the two sections of the Cabinet. If the Cabinet as a whole put before us an agenda it would be a help to everybody. If any question arising out of these documents have to be discussed surely the Cabinet is capable of drawing up an agenda for us and keeping to it. Here yesterday we had only one thing. We got a definite statement from the Minister for Defence that he would make a certain investigation into certain things. We had today the President's document. I challenge anybody in this House to know what we are doing with it. In point of fact the Speaker told us it would be out of order to adopt it. Can't the Cabinet as a whole get a decision and tell us and we will do it. But if we are going into a private session tomorrow at 11 o'clock with every member of this House supplied with documents which he can't read in two hours and they will adjourn again. The country wants to know. Therefore I suggest as a definite amendment to the motion that we adjourn into a private session and that the Cabinet provide an agenda for tomorrow.

DR. CUSACK: A matter to be discussed in private before this meeting is—what are we going to do if we reject the peace terms or what are we going to do as a body if the Treaty is accepted by a majority? That to my mind is most important. It is more important for us to know, say, if the necessary steps be taken. What this body wants is to safeguard all Ireland and I think some decision should be made by the Dáil and get some inkling of how we stand in the matter.

MR. DOLAN: I withdraw my motion in favour of the one proposed, adjourn until 11 a.m. and in the meantime a proper agenda should be prepared and put before us tomorrow. And the thing being so I would like to take a direct negative to the attitude taken up by the member for Cork when he states that it would be well for us to continue here in a lengthy session and I maintain, if we do, the country will split no matter what we will do. And I maintain that we would be making a very serious mistake if we had a protracted private session when the country wants to know what we are talking about. We came here definitely to decide for or against the Treaty. I am for tackling the Treaty at once and each man give his reason publicly for and against.

PROFESSOR STOCKLEY: I would like to say something between the twelve months session and the feeling of the Minister of Finance for instant decision. It seems to me people do want to have time to express their opinions. It seems to me that if we adjourn tonight there would be a good deal of talk. It might do quite as much good.

A DEPUTY: Or harm (laughter).

PROFESSOR STOCKLEY: Yes, or harm. Therefore I should like to second the proposal of Professor Hayes. I do not think it would be wise though I can sympathise with the irritation felt about the prolonging of the private session. Still I think it is not wise to prevent as many things being said as reasonably possible. It is for everybody to make up his mind on this; on the question of instant decision—

MR. M. COLLINS: I did not say instant decision. I said instant tackling.

MR. A. GRIFFITH: I am opposed to this motion. I agree with Mr. Dolan. I know the country too. If we defer our decision beyond Saturday at the latest you will have trouble in the country. I think we will have to hold a public session on Saturday. If we go over the week-end people will get impatient and they will cry out why has not the Dáil been able to make up its mind. I think it would be better to adjourn. We would be fresher in the morning. I think the best thing tomorrow would be if we as Cabinet Ministers hold our tongues and the other members can thresh it out.

MR. CATHAL BRUGHA: I withdraw my objection to the adjournment.

PROFESSOR HAYES: Is my motion being put to the House?

THE SPEAKER: Yes.

Motion put and agreed to.

House adjourned until 11 o'clock tomorrow morning, Friday, 16th December.

# DÁIL ÉIREANN

Private Session

Friday, December 16th, 1921

The Speaker took the Chair at 11.40 a.m.

THE SPEAKER: I noticed a document posted up when we assembled here today and I was going to direct the Clerk of the Dáil to remove it, but I see it has been removed already. Under the circumstances I do not propose to make any inquiries as to how it came there. I take it for granted no member of the Dáil is in any way connected with the putting up of that document. Had it not been removed I would have directed the Clerk to remove it.

MR. J. J. O'KELLY: I am afraid, Mr. Speaker, that nobody has heard you.

THE SPEAKER: I will now ask Mr. Michael Hayes to give the statement of the committee with regard to the documents.

MR. MICHAEL HAYES: As arranged by the committee eight documents[1] were prepared and they are ready for distribution amongst the members. The documents are typed and, while they can be circulated amongst the members of the Dáil, they cannot be given to the press or to anybody outside the Dáil. Therefore the documents are distributed to the members of the Dáil on the express condition that they shall be returned after perusal and examination by the members. It will be clear to any member who gets these documents that he is getting them on the express condition that he gets them from the Clerk of the House and will return them to the Clerk of the House. They are got ready in bundles at the end of the table and the arrangement made by the Clerk is that the members will go down and get the documents and make sure that they have eight documents, and their names will be ticked off. Later on they will return the documents in the same way. There will thus be a check on the distribution and return of the documents. You will get the documents immediately if you go down in file for them. In addition to these there is also another—a letter from Mr. Lloyd George to Mr. Griffith. It will be given out later; it is a separate thing. Every member should make sure he gets eight documents on the clear understanding that he has got to give them back and regard them as private.

MR. F. FAHY: On a point of order, I should like to draw attention to a note at the foot of this paper we got stating that those who wish to speak on the motion for ratification at the public session should hand in their names to the Whips. I would suggest that every member of the Dáil has a perfect right to speak. I presume three-fourths of the Dáil will wish to speak and give their reasons in public for their vote for or against (Hear, hear).

THE SPEAKER: With regard to that, I cannot read into it that there is any suggestion that anyone should not speak. As I understand this note it is made entirely in the interests of the members of the Dáil and to enable them to make the most effective arrangements for speaking. If it conflicts with the rights of the members of the Dáil to speak in any way I would be very glad to receive communications on the point from any member. I am quite certain it was not intended to conflict with the right of the members to speak.

MR. F. FAHY: I will take your assurance on that. There was another point I wanted to refer to regarding those documents. A good deal of information has got

1. Printed in Appendices 5, 6, 7, 8, 10, 11, 12 and 14.

to the press in one way or another and, while not wishing to impugn the honour of any member of the House, I would suggest that as regards every member he or she should put their names on the document.

COUNTESS MARKIEVICZ: I beg to second that. As regards handing in names I object because it is so inefficiently done. I handed in my name to speak to the suggestion of the President and I was not called upon.

MR. D. CEANNT: If we handed in our names the particular member whose name would be called would have to speak at a particular time. I would much prefer it would be left to the members who could stand up when they heard another member making a statement and perhaps contradict or give his views on it (Cries of No, no).

DR. MacCARTAN: I would like to know who are the Whips. Does it mean one has to take sides in advance? Are there Whips this side of the House and that side of the House? I feel there are plenty like myself who do not belong to either side.

MISS MARY MacSWINEY: With regard to the speeches, I notice my name is down as having a desire to speak. I am quite sure it was not the only one. I think I had temerity to suggest to the Speaker that if possible it should be arranged that I should speak towards the end because my speech is mainly an appeal to this Assembly for unity. I also feel I have expressed my views more than once and it is up to every private member of the Dáil now to express his or her view before I give my views again.

THE SPEAKER: The names of the Whips are Deputies Liam Mellowes, Seán T. O'Kelly, Michael Staines and D. McCarthy. It does not matter to which of them you give your names as far as I understand.

PRESIDENT DE VALERA: It was I suggested this programme to Mr. Griffith last night and I would like to explain my intention. The point is there will be at the public session a set debate. There will be a programme arranged. The motion is to be proposed by Mr. Griffith and he will have to make some arrangement for seconding and so on. He will have to get speakers. Similarly on our side—that is the side for the rejection of the Treaty—we will have to make arrangements for the principal speakers. That is all that is intended—to give those who intend to speak adequate time for preparation.

MR. M. P. COLLIVET: It will facilitate matters if as many members as possible will hand in their names.

PRESIDENT DE VALERA: That is the idea exactly.

MR. CATHAL BRUGHA: Before we go on with the business today I want to bring a note that has been handed to me before you. I have been asked as the Minister of Defence what I intend to do as regards rumours that are going around to the effect that certain Deputies of this body from Cork City and County are to be shot if they do not vote against the ratification of the Treaty. I would like everyone to realise that I cannot deal with rumours. The sensible thing for everyone who hears such a rumour is to tell the person or persons who tells him or her to keep his or her mouth shut and not be circulating the rumour further. The tale-bearer is as bad as the tale-maker. If anyone can give me evidence that any particular officer or private of the army has made any such statement I will deal with that officer or man. I can do nothing else. I cannot deal with rumours but let nobody continue to circulate for goodness sake.

MR. P. Ó MÁILLE: Arising out of—

THE SPEAKER: The Minister for Defence has answered the question.

MR. P. Ó MÁILLE: But I have a matter to bring before the Dáil.

THE SPEAKER: The Minister of Defence has answered a question and satisfactorily. We cannot take up a discussion.

MR. SEÁN MILROY: I do not think he has yet told us whether or not he is going to deal with the person or persons responsible for the warning issued to the Cork members.

MR. CATHAL BRUGHA: I will certainly deal with them.

MR. D. CEANNT: I think that is satisfactorily settled.

MR. P. O'KEEFFE: I want you, Mr. Speaker, to have that document read to the House. I would also ask if the official shorthand writer has it written down.

MR. CATHAL BRUGHA: I will read that document now.

MR. P. O'KEEFFE: Was that document read to the House? Has the Clerk of the House a shorthand note of it?

MR. CATHAL BRUGHA: Mr. Speaker, I did not state that the document was read to the House. The answer I have given now was in connection with a question put to me with regard to rumours. This particular document was handed to me now by a member. It was not my duty to the House but I will read it to the House now and it will be just as well to do it and I am going to deal with the man responsible for it whether he agrees with my views or not. As long as I am Minister of Defence there is going to be discipline in the army (Hear, hear). This is the document handed to the senior Deputy for Cork City:

"To all T.D.'s in the Cork No. 1 Area:

(1) On December 10th the Staff of the First Southern Division and all Brigade Commandants met and sent forward to G.H.Q. a unanimous demand for the rejection of the Treaty proposals.

(2) You are reminded it is your duty to support this demand.

(3) To act otherwise would be treason to the Republic to which we have all sworn allegiance."

Now I have given you my assurance that I am going to deal with the persons responsible for sending out that.

MR. P. Ó MÁILLE: I have a question to ask the Minister of Defence. Can I put it?

MR. J. J. WALSH: As the member who handed in the document I must confess I am perfectly satisfied the Minister of Defence is quite prepared to do his duty. I have no doubt about that and no one else should have nor do I think that the men who collaborated [*sic*] the document really intended to do any harm.

THE SPEAKER: I fear you are going into a discussion now; we must keep in order.

MR. J. J. WALSH: I am perfectly satisfied, to cut it short, that the Minister of Defence is going to do his duty in all respects.

MR. SEÁN MOYLAN: Will we have any guarantee that the army will be protected from people spreading rumours about it?

THE SPEAKER: Now, we must proceed to business. Are these eight documents that are ready private and confidential?

MR. M. HAYES: Yes.

THE SPEAKER: Therefore it is necessary those who receive the documents shall hand them back. I should like to know what is the duty of individual members in another respect which has not been mentioned at all, that is to say with regard to making copies or extracts from these documents.

MR. M. HAYES: From what I understand the members have not a right to make extracts or copies of the documents or even to bring them outside this room.

PROFESSOR STOCKLEY: There is a further matter. The members should undertake not to speak about them.

THE SPEAKER: That is covered by the statement that the documents are absolutely private.

MR. ARTHUR GRIFFITH: There was a mutual agreement that there would be no disclosure or publication of the documents connected with the delegation unless both sides agreed to publication and therefore if we published any documents outside here we could be charged with a breach of faith.

MR. SEÁN ETCHINGHAM: It will take some hours to read over the documents; will any other business be proceeded with while we are considering them?

THE SPEAKER: We will see what the

course of the proceedings will be when the arrangements are made for giving out the documents. Will the member for the University state the course the members are to take with regard to receiving the documents?

MR. M. HAYES: Each member will go around the table where there are two clerks and they will get the documents.

THE SPEAKER: They had better go in some particular order.

The documents having been duly distributed—

MR. GEORGE GAVAN DUFFY: There is nothing in the documents before us which shows clearly what are the differences—the substantial differences—between the document which was before the Cabinet at its last meeting before the Treaty was signed and the Treaty that was eventually signed. May I suggest it would be useful if the four or five points of difference between the document as shown to the Cabinet and the document as signed were stated before the House so that you will have a clear idea of the differences between the two? I have here the document showing the sequence of events and I could in three or four minutes tell you, if you think it would be useful, what in fact are the differences between the documents before the Cabinet two or three days before the signing of the Treaty and the Treaty as eventually signed. You have all now before you copies of the document before the Cabinet and the Treaty. When you have these two typed out it is not easy to see the differences at once. I think I can make it all plain in a few words. It is necessary the House should know how the matter stands.

MR. MICHL. COLLINS: Mr. Speaker, there is a vital document missing. There should be, in full, the exact document presented to the Cabinet.

MR. KEVIN O'HIGGINS: It is here.

MR. M. COLLINS: Oh! is it?

MR. G. GAVAN DUFFY: One of the documents before you is the document to which the Secretary's notes refers—"S.F.C.29", it is headed. The first alteration between what I may call the document before the Cabinet and the Treaty is in clause 3. It provides for the representative of the British Crown. As before the Cabinet that clause stood: "The representative of the Crown in Ireland shall be a Governor-General appointed in like manner as in Canada". The words Governor-General are left out in the Treaty. It is open to you to give that gentlemen whatever name you think proper. The next deals with the Oath. The main difference between the Oath as before the Cabinet and the Oath as in the Treaty is this. As before the Cabinet, the Oath read, "I . . . do solemnly swear to bear true faith and allegiance to the Constitution of the Irish Free State and the community of nations known as the British Empire, and to the King as head of the State and of the Empire", instead of the form in which you have it in the Treaty. The next thing is in clause 5 where there is a small alteration. The Government had proposed that the Irish Free State shall contribute towards the British public debt and that was altered to the less objectionable phrase, "shall assume liability". In the following clause, clause 6, there is a slight improvement as to defences and ten years was reduced to five. The word "exclusively" which was objected to was cut out. A substantial alteration was made in clause 9 which does not exist in the Treaty at all. In the document before the Cabinet it provided that we could not impose any custom duties on the English goods or *vice versa*. We have to thank Mr. Barton for the fact that that was not included in the Treaty. In the following clause where you now have, "The ports of Great Britain and the Irish Free State shall be freely open to the ships of the other country on payment of the customary port and other dues", that clause was completely recast. As before the Cabinet it read, "Neither Great Britian nor the Irish Free State shall impose restrictions for protective purposes upon the flow of transport, trade and commerce between Great Britain and Ireland". That has been narrowed down so and the ports of each country shall be freely open to the other. Then we come to Ulster. In clause 11 which in the Treaty begins, "Until the expiration of one month from the passing of the Act of Parliament for the ratification of this instrument, the powers of the Parliament and the Government of the

Irish Free State, etc.,". That clause as presented to the Cabinet was not one month but twelve months. There was a subsequent clause arranging for the possibility of the exercise of the Ulster veto for six months but the main alteration is this: as finally signed, instead of our not knowing for twelve months what the people of Belfast intended to do, they are cut down to one month from the ratification. The same applies to the following clauses. But the most important alteration of all is that in regard to what the English call safeguards for Ulster. In document presented to the Cabinet, instead of having a list of possible safeguards which Ulster cannot get unless we agree to them and which are mentioned as headings, you have in the document presented to the Cabinet detailed clauses setting out in full every safeguard that the English proposed and setting them out under the edicts of the British government as being what they consider we could reasonably give away to Ulster. You have a long clause about patronage, clause 15 I think, in the Treaty. It is only a list of headings. In the document before the Cabinet you had, "No export duties shall without the consent of the Parliament of Northern Ireland be imposed on any manufactures of Northern Ireland". Then you have this, "That the organization and control of any part of the local military defence force which is raised or stationed in Northern Ireland shall be in the hands"—I beg your pardon, that is not it. You have a very pernicious clause to this effect, "It shall be lawful for the Government of Northern Ireland to raise and maintain in addition to and for the purpose of the support of any police force raised by them a local militia, so however that the establishments thereof shall not exceed in size such proportion of the establishments of any local military defence force maintained by the Government of the Irish Free State as that which the population of Northern Ireland bears to the population of the rest of Ireland, and no part of any local defence force raised by the Government of the Irish Free State shall be stationed in Northern Ireland without the consent of the Government of Northern Ireland". In other words you are putting these people into a military position which would be surely dangerous to us, and putting them there with the edict of the British Government saying, "this is the right thing to do and this is the thing we are standing for". Now all that is changed into a suggestion of some military defence force which might be a safeguard. I am not sure whether I have already mentioned that they were to have a most extraordinary power over customs in Belfast, proposed by the British government, and to be set up by the British government as a condition of settlement if these terms were accepted by Ulster. They were to be given the right to collect all the customs coming into Belfast and to keep them until the end of the year. Then, if and when they agreed to do so, a balance was to be handed over to us. They might be good enough to hand it over. They require something like three millions over and above what they collect to run their district and this proposal of the British Government was giving them thirteen or fourteen millions. I mention these things because perhaps many of you know I am not enthusiastic about this Treaty although I am going to support it. But I do want the position to be put fairly before everybody. It is necessary that you should know that some of the most substantial concessions that were obtained were obtained at the last moment in the evening and afternoon of the day on which the Treaty was signed. These were matters on which these people refused to give in until the last moment which may prove that they were bluffing all along; but that is a matter of opinion. At all events some of these most substantial concessions came along at the last moment.

MR. AUSTIN STACK: I am sure you will convey to the House that the draft document, or no part of it, was approved by the Cabinet at the meeting.

MR. G. GAVAN DUFFY: I do not for a moment mean to suggest the Cabinet accepted the English proposals. Far from it. In fact if you like to look at the notes you will see we all rejected them. I am not suggesting that the Cabinet accepted. The terms eventually signed were undoubtedly very much better in certain respects than the terms before the Cabinet.

MR. P. J. HOGAN: I think the Dáil is entitled to know how far the Cabinet agreed with document 3.[1]

1. It would appear that Deputy Hogan was referring to the document printed in Appendix 10.

PRESIDENT DE VALERA: I suppose as chairman of the Cabinet it is my business to answer that question. I have here my own copy with my own markings on it. I ought first of all to say—and I know the mind of the Cabinet—that there was no chance whatever of the acceptance of this document. I had it before me and went through it as you would go through the text of any matter and pointed out the objectionable things as they went along and made suggestions as to the things that might possibly be accepted. I have number three marked showing that the representative of the Crown was one of the vital things that should be got rid of; otherwise it could not be accepted. Then again I have "Head of the State" marked. I pointed out the external association for which we are aiming would be inconsistent with having the King as the head of the state. We were willing to regard him as head of the association. We went through it pointing out these things and we all agreed these were impossible; so really there was no agreement of any kind except the document was unacceptable and we mentioned the particular points such as with regard to the Oath. It was a destructive criticism of the document. I pointed out the sort of oath you could and the oath you could not take. I pointed out I for one would be quite willing to swear some sort of an oath like this. It was simply an immediate—an impromptu—statement of the type of oath I would be willing to swear. I did it in order to point out the difference between the oath and the Oath you would have to swear to the King. We did not want the King as the monarch of Ireland; that was the main thing. Mr. Gavan Duffy was taking down my impromptu statement. I said the Oath as it stood would not do because it was dangerous and there was another interpretation to it. Now a definite answer to the question is that this document was, without discussion, rejected at the Cabinet meeting. I pointed out to the Cabinet the objectionable points. In an impromptu manner I stated the type of oath I was willing to take. There was destructive criticism of the document.

MR. P. J. HOGAN: This Cabinet meeting was called to consider the document dated December 2nd. That was the document which the plenipotentiaries brought back and the Cabinet was to meet the plenipotentiaries and advise them on the document. Now this document professes to be what the plenipotentiaries thought was the advice and instruction which they got from the Cabinet on that occasion. That may be wrong but in order to make it more definite—

PRESIDENT DE VALERA: Will you please definitely state the number and section of the document; we are perhaps talking about different documents.

MR. P. J. HOGAN: I am dealing with the set of documents dated December 4th. It is headed, "Amendments by the Irish Representatives to the Proposed Articles of Agreement, December 4th."

PRESIDENT DE VALERA: Yes.

MR. P. J. HOGAN: That document professes to be at least the plenipotentiaries' idea of the advice which they got from the Cabinet at the meeting specially called to give them advice on a most critical occasion. It professes to be that at least. We are entitled to know here how far the Cabinet say that document is an accurate summary of the advice given to them, how far the President is prepared to stand by it and how far the Minister of Home Affairs and the Minister of Defence are prepared to stand by it. Take paragraph 5, the Oath, "I do swear to bear true faith and allegiance to the Constitution of Ireland and to the Treaty of Association of Ireland with the British Commonwealth of Nations and to recognise the King of Great Britain as Head of the Associated States". That was written down by one of the plenipotentiaries and is, I assume, what the plenipotentiaries agreed to as the nature of the oath that the Cabinet instructed them they were prepared to accept. That certainly is the plenipotentiaries' idea of it and President de Valera has very fairly stated that he verbally, across the table, made that suggestion himself and President de Valera is borne out by the Secretary's notes of the meeting.

MR. ARTHUR GRIFFITH: Hear, hear.

MR. P. J. HOGAN: To say it was a mere verbal suggestion carries us nowhere. The whole transactions were verbal. It was a verbal suggestion made at a Cabinet meeting held for the purpose of hearing suggestions made.

MR. ARTHUR GRIFFITH: Hear, hear.

MR. P. J. HOGAN: Did the Minister of Defence or the Minister of Home Affairs hear the suggestion? Did they object to it? Are they prepared to stand by it? It should be cleared up now (applause).

PRESIDENT DE VALERA: Will you please remember, to start with, that at the back of our minds in the Cabinet was that any documents that would be submitted to us we would go line by line through them and change them before we would agree with them. Now really a treaty is not a thing you would take down across a table.

MR. P. J. HOGAN: On a point of order we can discuss afterwards the question of whether the plenipotentiaries were right in signing or not signing it before they came back—

THE SPEAKER: Let the President finish his statement.

PRESIDENT DE VALERA: I am speaking now so that you may understand the circumstances of the Cabinet meeting. First of all I got a document from Mr. Griffith which I said I will never sign. Mr. Griffith knew that. Therefore the document came before us at the Cabinet purely from the point of view of destructive criticism. But, as my mind is not the destructive but rather of the other type, I wanted to give an indication to the plenipotentiaries of the sort of thing you could do. The thing you could not do was to swear allegiance to the King as the monarch of Ireland; but you could promise to be faithful to your word and to the Treaty. I paraphrased the oath in the form that would be consistent with our position. I did so and I was not aware it was being taken down until I saw Mr. Gavan Duffy in the middle of it and I was not taking any care of my words. I did say something like this, "I do swear to bear true faith and allegiance to the Constitution of Ireland"—and so I would have said if I had got this before me—"and be faithful to the treaty of association of Ireland with the commonwealth of nations". If we signed the Treaty we meant to be faithful and I would be faithful to it. I objected to the association of states the first time I saw it. There are two ways of looking at it. You can look at it as a collective or distributive noun. It is ambiguous. I would not object to the King as chairman or head of the association. As a matter of fact, to show you what I had in mind, I started trying to get some sort of oath. Here is the oath I refer to, "I, so and so, swear to obey the Constitution of Ireland and to keep faith with His Britannic Majesty, so and so, in respect of the treaty associating Ireland with the states of the British Commonwealth". I for one would be quite ready to swear that; if I thought it was right to enter the association I would be quite ready to swear it. I do hope you understand "S.F.C.29". That was the document before the Cabinet. The plenipotentiaries went back to London and, as a result of the destructive criticism and perhaps some of the verbal suggestions I made across the table, they tried to produce some document which I never saw. The Treaty was signed before I ever saw that document. Now you ask me to what extent is that a faithful representation of what transpired. I would have objected to that document as I would to the other one. The Oath itself—I would not take it in that form. I would have amended it. As regards 1, 2 and 3, that I stand for them ought to be obvious from the document I put down before you already. About the other parts of it, these were only suggested, where other parts would be objected to. I do not know because I had never seen the document. I knew there were other articles which neither the Minister of Home Affairs not the Minister of Defence would ever agree to. As I have rejected it on other grounds the document had no significance except to get the negotiations farther.

MR. MICHL. COLLINS: One point is this, the delegation came over from London for a very definite, certain Cabinet meeting. We spent the whole day of Saturday at that meeting. I think we had to go back and to get the boat in the evening. If that is to be considered at this stage a casual thing, with the oath in paragraph five read out three times by the President—he gave it out three times—it is strange. Mr. Barton took the oath down twice and Mr. Duffy once. Then we had to go back and make up our minds. We had to put a document in writing and we could not alter it afterwards. We put in a document as being the united opinion of the delegation and as being what happened, as

far as we could put into words, what happened at the Cabinet meeting. We have to stand by it now the same as any other document. We could perhaps say that did not represent now the oath we were prepared to take then but it is there on paper. If we were prepared to take it then we have to say we were prepared to take it then.

MR. P. J. HOGAN: This is too important to allow of any ambiguity. The President says he is not prepared to take the Oath.

PRESIDENT DE VALERA: Because of the word—

MR. P. J. HOGAN: I do not want to make any point on words or make any debating point. I do not think he denies this oath is the oath he stated that day to the plenipotentiaries as his idea of the oath that should be taken. I would not make that point at all. It is important in its other implications. If he does not deny that was the oath he suggested across the table, I think it is quite clear—if that was the oath and the Ministers of Home Affairs and Defence were present and heard it, I want to know did they ever repudiate it?

PRESIDENT DE VALERA: I want to try and get the Dáil to try and understand the circumstances. Do not on little points try to make difficulties. I want clearly to have it understood. They were responsible for initiation at the other side. The Cabinet meeting was called for one purpose, whether we would accept the Crown or not, and we said we would not. This document was before us for destructive criticism mainly. The plenipotentiaries were the people to make proposals not the Cabinet. The Cabinet was the final power before it came to the Dáil to criticise the proposals, and say whether they would accept them or not. This document was unacceptable on hundreds of grounds. One was sufficient for us. We were ready for external association, ready to recognise the King as head of a group of states and we wished to embody that in an oath. Neither myself nor the Ministers of Home Affairs and Defence ever saw that in writing and we could not say definitely. It was an attempt to show how the head of the state came in and how objectionable it was, "I do solemnly swear to bear etc." that would be alright, but as regards "community of nations" I never would swear to be faithful to that. That did not represent my view—

MR. M. COLLINS: You are reading out the wrong oath.

PRESIDENT DE VALERA: I am sorry. "I do swear to recognise the King of Great Britain as head of the associated states". That was the way I expressed it verbally meaning the association of states. Well now I am anxious merely that every member here should realise what happened at the Cabinet meeting. The delegation went back. I never knew—I never saw the document until it came here. The Treaty was signed before I saw the document. There was a definite assurance at the Cabinet meeting there would be no question of signing the Treaty unless the Dáil got it back. Therefore I did not give, nor did the Cabinet give, any instructions to the delegation as to any final document which they were to put in.

MR. CATHAL BRUGHA: I would ask you to read the documents very carefully. I have not the time to read them all. I read most of the documents but the one of December 4th I did not see at all. I have not the time to read all the documents you have got in your hands because I have a lot of business here which is very urgent dealing with my own department and with which I have to deal. It is more urgent so far as I am concerned than these documents. If there is anything in any of these documents from which it would seem that the Cabinet or any individual member let down the Republic, now is the time to take notice of it and ask questions. When it comes to the proper time I will explain my position pretty clearly and I will prove to everyone that the Republic was never let down by those who remained behind in any case—by the three here anyway or even those who remained behind. I defy anyone to prove to the contrary. If they think they can when I have spoken let them prove it. With regard to the oath, I never agreed to take any oath and when the President made this suggestion of his own I said, "Nothing doing; there is going to be no unanimity on such an oath as that" (applause).

MR. KEVIN O'HIGGINS: I too will be anxious to make it clear to the House the genesis of the document of December 4th and circumstances of the Cabinet meeting of that Saturday. You will remember that Mr. Lloyd George, as early as the week before, had written to Sir James Craig stating that "either the negotiations will have broken down by Tuesday next or I will have further proposals to make to your Government". The plenipotentiaries came home with the same final proposals from the Government and they met the Cabinet on Saturday. I do say these amendments put in by the plenipotentiaries after they went back were put in as representing the views of the Cabinet of the Dáil and that they do represent them and that the plenipotentiaries were certainly entitled to consider they represented them. The President stated a Governor-General was an insuperable obstacle as a representative of the Crown in Ireland. I remember a Cabinet meeting in October in Fitzwilliam Square. The plenipotentiaries were not present. I was present, the Ministers for Local Government, Home Affairs and Defence were present and I remember the President stating there that under the external association idea, his own scheme, there would almost certainly be a representative of the British Crown in Ireland.

PRESIDENT DE VALERA: I can contradict that at once.

CATHAL BRUGHA: It is absolutely false.

MR. KEVIN O'HIGGINS: I said I considered it objectionable. No matter who this person might be he would be here with his little court and coterie and all the West-British element would rally around the court and it will have this effect: it may put on your higher social circles a distinctly English standard, and it may further be the centre of intrigue against the State, and a constant pull towards England (Hear, hear). The President said "Yes"; he saw all these objections and realised that, and no one would feel it more bitterly than he would if our higher social circles would take civilization and culture for all time from England. "But", he added, "what can you do?" The Minister for Defence made a statement and I for one was very surprised. He said he would not take the oath, or any oath, that there was "nothing doing". There was everything doing. He did stick to one point and that was the point of contribution to the Civil List. It savoured of tribute absolutely none on the question of the oath. I would say here I believe that any of these three men opposite would have taken an oath something as follows: "I do solemnly swear true faith and allegiance to the Constitution of the Irish Free State, to the Treaty of Association and to recognise the King of Gt. Britain of the Associated States" [*sic*].

PRESIDENT DE VALERA: I for one—

CATHAL BRUGHA: For goodness' sake let us have this thing settled. This is a very vital matter. If a man tells me black is white—if a man has such mentality I cannot persuade him to the contrary. It would be impossible. If a man says black is white, very well, let him think so. Let this gentleman show any document or any writing, secretary's notes or otherwise, to the effect that I ever consented to take any oath—

MR. KEVIN O'HIGGINS: Yes, sir.

MR. J. J. WALSH: A question has been asked.

MR. KEVIN O'HIGGINS: Take the secretary's notes, page three. The President took his stand on the last Irish proposals which meant external association with the Crown. We will read the President's view—"Meeting of Cabinet . . . In the course of a lengthy discussion of the Treaty the President gave it as his opinion that it could not be accepted in its then form. He personally could not subscribe to the Oath of Allegiance nor could he sign any document which would give N.E. Ulster power to vote itself out of the Irish State . . . "The Minister for Defence is in perfect agreement with the President, the only matter upon which he could disagree would be the question of recognising the King of England as head of the Associated States" (laughter). My impression—

MR. CATHAL BRUGHA: We are finished with your impressions so far as I am concerned.

MR. M. COLLINS: On point of order—I should like to ask the President whether

he did not ask the Minister for Defence would he take the oath, whether the Minister for Defence said, "No", and the President said, "Surely Cathal you can't object to taking an oath if you agree to association."

MR. C. BRUGHA: I will explain this. I said in answer to that "Well, you may as well swear". Include the whole document, or what we agreed in the document, and that was not very much.

MR. K. O'HIGGINS: I withdraw my remarks in so far as they regard the Minister of Defence to say that they apply in full force to the Minister for Home Affairs.

MADAME MARKIEVICZ: Let me give a conversation I had with the President. I can't give you the date; it was some time previous to this and the President then deliberately told me what the oath was and he made diagrams on the table to show me what outside association meant.

MR. J. J. WALSH: On a point of order, we can't have a conversation. I object to it.

MADAME MARKIEVICZ: I wish to speak.

MR. J. J. WALSH: I object to that. We can't have a conversation (Chair, chair).

MR. DE RÓISTE: I don't know what all this is about at all. I personally refuse to—

THE SPEAKER: Countess Markievicz is in possession.

MADAME MARKIEVICZ: I made that statement because, as one of those people who was asked to stand down from the Cabinet to form a War Cabinet, I think [*recte* thought] that the question should be put to the President and the President told me a matter of some importance, because if I had at any moment not been certain that the President would have taken that stand, I would have created some trouble outside the Cabinet. That is why I consider, because of my position standing down from the Ministry, that I have a right to state why I remained quiet.

MR. ML. HAYES: I suggest, as chairman of the committee which got these documents together, it was in the interests of some order in our proceedings that we got these documents together. We consulted everybody I think and we satisfied everybody with the documents we have got. If we are going to discuss anything more let it be something which is relevant to the documents and let us not take any account of expressions and of conversations which have no reference to the documents before us. Let us have a question relating to the documents, for my part as a private member who wants information. The recent discussion clears my mind on some points. If it goes on like that with people quoting from the documents before them we get some distance. If we depart from that we get nowhere.

MR. ETCHINGHAM: I had no time to read the documents. I have only gone through four of them. It is a momentous thing for our country and we must know what is going to happen beyond what the President is going to say to us. We can't risk this thing. I have not a legal mind. Some have a prior knowledge of these documents on which to start a discussion. I want to get through them. I have here a document I am interested in where Lloyd George claimed he was let down and where the Chairman of the Delegation said he did not let him down. I want to go through them and I want time to discuss them.

MR. K. O'HIGGINS: The last speaker said he hadn't a legal mind. This is the first time I saw the documents. I was a member of the committee and I never laid eyes on one of them. I asked a question of President of the Cabinet and of the Ministers and I would ask the Minister for Foreign Affairs to answer my question because I regard the question as most important, and for this reason I say that an attempt has been made here to show that the issue is on one side of the House as against the other side, is a Republic versus Dominion Home Rule, and I want to put the issue straight and know where everyone here stands and not to vote because I think so and so is on one side and so and so is on the other (applause).

MR. STACK: I would prefer to wait until another violent and false attack is made on me as was made on the Minister of Defence. I have no hesitation in saying

that, so far as I was concerned, I was perfectly in agreement with the President in his suggestion that we could frame a form of oath which would be honourable to the nation and preserve our independence and I certainly would be with him in the form of oath which he suggested.

MR. ML. COLLINS: May I ask the Minister for Home Affairs whether he agrees with the Cabinet record of the oath as read by President De Valera three times?

MR. STACK: The oath was never seen by me in writing. I never took it down in writing and it was read out by the President. As read out by him I certainly approved of it and, what is more, I tried to convince the Minister for Defence that he ought to agree in order to give our people going over to London a chance of manoeuvering the British Cabinet; and, what is more, the suggestion made of the President going over was that the British Cabinet should be manoeuvered into a position of suggesting that form of oath.

MR. ML. COLLINS: Might I ask whether he agrees with the Cabinet record given by yourself to me in the presence of the Minister for Home Affairs that the words of the oath as given in the Cabinet record, December 3rd, page 3, paragraph B.

MR. STACK: I have said before that my idea is what the President read out.

THE PRESIDENT: I did not read it out. I said it.

MR. STACK: Spoke it or whatever it was; I know very well that he had nothing written about the thing. It is certainly not in accordance with my recollection. What happened was that he said that he would recognise the King of Gt. Britain as head of the association.

MR. BARTON: I was present at this Cabinet meeting and I was one of those who took down the President's words. As a matter of fact the President made two sketches of the oath; Mr. Gavan Duffy says three. I took down two. Unfortunately I have only one with me; but when I got back to London, with the assistance of Mr. Childers I drafted a formal oath from the oaths on the memoranda which I had taken down of the President's; and anything which is in that original draft, which I made with Mr. Childers alone without the collaboration of any other person, must have been in one or other of these statements which I took down from the President's own mouth; and the original which I wrote down and which Mr. Childers had typed had not been seen at that time by anyone, but Mr. Gavan Duffy had agreed with it and it was afterwards altered. I will read to you now the one which we made up from the two. The one which I have down here is this—so far as I remember the President's words were something like these, "The oath will be something like this—"

THE PRESIDENT: That is just it, "something like that".

MR. BARTON: "Allegiance to the Constitution of Ireland, association of Ireland with the community of nations". Now I have got "Com." I don't know whether that means a Commonwealth of Nations or a Community of Nations. I don't know. "Association of the 'Com' of nations and recognition of the head of that 'Com' ". Now the President gave another. My memory of it is that instead of a Community of Nations he said, "the head of that association" and after I got back to London I drafted this oath with Mr. Childers' assistance, "I do solemnly swear to bear true faith and allegiance to the constitution of Ireland and to the Treaty of Association of Ireland with the British Commonwealth of Nations and I recognise King George V as head of that Association". Mr. Childers and I drafted that oath. Mr. Gavan Duffy came in later. He had been to Mass. We asked him whether he agreed with this and as far as I remember he said he did. We then met later, the other three members of the delegation coming in. There was some discussion then as to whether the oath should read, "Association" or "Associated States", and it was changed to "Associated States", but in my opinion the President said "Community of Nations" or "Commonwealth of Nations" or "Association" and nothing else.

MR. ML. COLLINS: Did he say, "King George V"?

MR. BARTON: He did not say King George V. I drafted that with Mr. Childers' assistance.

THE PRESIDENT: I never suggested King George V being in the oath.

MR. ML. COLLINS: He suggested the King. I don't know what King George is if he is not the King.

MR. CHILDERS: I rise to corroborate what Mr. Barton has just said. Exactly what he said has taken place. I have looked over my own records and have a typed copy which I gave the typist to type containing the word "Association" and not "Associated States". I myself did not attach any importance to the alteration because it never occured to my mind that there could be any real difference between the two phrases owing to the fact that the oath of course must follow the form of the political constitution of the country; and in that connection I would like to point rather an important omission from the secretary's notes bearing somehow on their reliability as a record of what took place, namely that at the end of the discussion on the oath I expressly raised the point myself as to whether scrapping the oath in the British draft meant scrapping of the first four clauses of the British draft, that is to say the clauses setting out Dominion status. The answer was that of course the oath did, all the clauses went and Dominion status was scrapped.

MR. ML. COLLINS: On a point of order there was a question asked about the oath not about a constitutional point. I am not a constitutional lawyer. Everyone knew that before I went away. Is my point of order conceded?

MR. CHILDERS: I don't want to carry it any further.

THE SPEAKER: I couldn't limit the speakers in that way. They may make their points to bring them into touch with what their argument is. I can't rule out every point simply because it does not appear for the moment to be that under discussion.

MR. CHILDERS: You will see in the amendment of the Irish representatives to the proposed articles of agreement. You will see at the end of that oath occurs the word "Associated States". That is not the word Mr. Barton has said we brought away from the Cabinet meeting. The word was "Association". They must mean the same thing because obviously clause 1 of the amendment does away with the King of Ireland altogether. Consequently they are not giving an oath to him as King of Ireland.

MR. GAVAN DUFFY: I rise to move the closure of the debate and this particular matter for this reason that it is now perfectly clear that the only substantial difference between the people there present is as to whether the President used the words "Associated States" or "Association". That may be a vital matter. As far as I can make out the only reason of the difference is that some people may interpret "Associated States" distinctively. Now, is it worth while wasting the time of the House as to whether the President used the particular words "Associated States" or "Association" taken down by Mr. Barton?

MR. MACCABE: May I make my statement?

THE SPEAKER: I have not asked you to speak yet. It is almost 1.30 now. This portion of the Order of Procedure will end at 1.45, and with regard to the Order of Procedure what I would like to know would be what conclusion—in what form is a conclusion—to be reached arising out of the discussion that has been carried on today. It seems to me that the discussion, which is as I put it plainly to you an impeachment, is on the question of responsibility for various terms in the Treaty, to ascertain who is responsible for the various terms in the Treaty. When that is ascertained what is going to happen, if it can be ascertained? I doubt if it can be ascertained. It would take a very careful court of law to ascertain where the personal responsibility is in all these things and how far one person is responsible and how far another. Assuming that is ascertained I should like to know what is going to come from it.

THE PRESIDENT: I should like—

MR. M. COLLINS: May I say that a most important position has been reached.

THE SPEAKER: Part of my office here is to direct the minds of the members to a practical conclusion. We are reaching no nearer that and, if we are going to reach a practical conclusion by the consideration of documents and the other questions, I think it should be embodied by one or

other positive motions laid before us. It would be better for us completely to drop this part and come to the question of ratification or non-ratification.

THE PRESIDENT: I will make the whole thing clear in a few words. From the time I went into the negotiations I went out to make peace by negotiation if I could—an honourable peace. I used the word in the terms of reference to the delegation, to find out the way in which Irish national aspirations could be reconciled with association with the British Commonwealth. You all knew that that was the purpose for which the delegation went across. Now I set myself the constructive task of trying to work out such an association in detail. We gave to the plenipotentiaries a rough draft of a treaty that was the basis of their proposals, the basis of their standpoint, and the British put forward proposals which from the first day were Dominion Home Rule proposals. All their line of action was dictated from that point of view, whereas, from our point of view we were trying to get the idea of external association with the British Commonwealth. That was the main objective. To get an association of that kind you had to give up no Republic because there is not a single line in these proposals that I have given you which is not consistent with a Republic. There is not a line of that Treaty that France might not make if it wanted to with Britain or that Spain might not make with Britain and therefore I say that from my standpoint I keep an absolute Republic as an existing fact in mind, a Republic ready to make an association outside. I was proposing, therefore, that the Republic in association [*sic*]. There are objections to a Republic in association, I don't deny; there are objections such as the United States would have to entering into a League of Nations, but if we were to get anywhere by negotiations we are to have some objective like that. One end of the Cabinet wanted an absolutely isolated Republic. My task was to try to get by negotiations something which would satisfy Britain, something which would satisfy what I may call the left wing of the Cabinet and something which would satisfy the right wing. Everyone of these documents will be found to be consistent with that statement and any assumption that this question is not a question between a Republic and Dominion Home Rule, you can judge that for yourselves. The issue you will find is that document of mine is a Republican document, a document of association. That was my position. The left wing of the Cabinet was for an isolated Republic for the most part but I pulled them over a bit. I pulled them along. I say in fact what happened, while I was pulling along that wing, the other wing got away from me, not that they were anxious to be pulled but pulled by threats of force and the danger of war. My statement might be accepted as inferring that they were anxious to be pulled. We know that every one of these wanted a Republic as much as I wanted it and everyone here wanted it and therefore what happened was that over there a threat of immediate force upon our people was made. I believe that that document was signed under duress and, though I have a moral feeling that any agreement entered into ought to be faithfully carried out, I have no hesitation in saying that I would not regard it as binding on the Irish nation. If it was to be put into force for one instant to weaken [*sic*] against ratification because it is giving away a moral basis.

MR. C. BRUGHA: Will you give me two or three minutes? I will ask the indulgence of this body to listen to what I have to say without interruption. I can forgive the five men who have landed us into the present position because I realised before ever they went there—mind you I was against their ever going to England, I said this conference should be held in a neutral country—I realised before ever they went there the terrible influence that would be brought to bear upon them. We have got the proof of that.

MR. GAVAN DUFFY: Where is it?

MR. ML. COLLINS: On a point of order, Mr. Chairman please, I must insist on this. It is for us to explain our mental condition in London, not for somebody else (Hear, hear).

MR. C. BRUGHA: Will you kindly listen to me without interruption and anybody who has any explanation to make can do so at the proper time. I have heard Mr. Lloyd George referred to as the "wizard from Wales" without properly understanding what was intended by it, but I have got a proof of his wizardry in

what has happened within the last fortnight. We have the chairman of the delegation—an honest man as I know him to be—coming along the day before yesterday and telling us that this thing was freedom. I say that Mr. Lloyd George, who is the wizard, has cast a spell over the chairman of our delegation and has put him into such a stupor that he does not know the difference between this document and freedom. It is obvious—no offence intended. We heard the Minister for Finance confess yesterday that he was in a fog—

MR. ML. COLLINS: That is not so.

MR. BRUGHA: Well if our friends who are taking down notes refer to them and, if they have taken down all, the Minister of Finance yesterday confessed that he was in a fog. With regard to the third member of this delegation he has remained silent up to the present. He has not attempted to justify his action up to the present and therefore I will extend to him the charity of silence. With regard to the other two members, you have already seen Mr. Barton's notes and you know the intimidation which was resorted to to get his signature. You will get a statement from Mr. Gavan Duffy at the public session if not at the private session which will show the tactics they resorted to so far as he was concerned. I have said that I quite forgive them because I know the influences that were brought to bear upon them to get their signatures to this document, and I can even respect them, though God knows I realise how weak they be; but there is one thing that I can never forgive—and I find it hard to forgive any man and I certainly will find it hard to respect a man who came into our meetings of the Cabinet and, so far as he thinks from a statement he made yesterday, so far as he thinks, the Cabinet let down or, as he said yesterday, gave away the Republic. The man who listened to that being done had taken an oath of allegiance to the Republic and he did not say a word against it. According to his statement yesterday the Cabinet gave away the Republic. Now the man who had taken an oath of allegiance to the Republic and who listened to that being done and did not protest against it—because he thought it was being done—I say I can well find it hard ever to forgive him and to respect him. In fact I will never respect that man until the fight starts again as I am afraid it has been made inevitable by what has taken place within the last fortnight. Prior to that from the way these people over in England were yielding to us, I was beginning to believe that we might come to an arrangement which would be satisfactory to everyone, to what may be called the most extreme people—and I am supposed to be one of those myself—that we could come to an arrangment without any fighting but I am afraid that this thing which has happened within the last fortnight makes a fight inevitable. However, I will respect this gentleman not that my respect will be of any value to him but I will respect him when the fight starts if he follows the lead that I will give him. Now I have a very clear conception of what the people who are called extreme people want and from the very start of those negotiations I took care that those people would not be let down, and I may tell you if we were not let down there were some suggestions which came along and it seemed to me that they bartered or were sailing close to the wind, anyway that they bordered upon the letting down of the Republic. I gave my opinion and I found that such was not intended. Now this gentleman who has made the statement yesterday that the Cabinet let down the Republic, I want to ask him before I speak again—and I am going to make my position pretty clear in this matter—to come along with his proofs. He has tried to prove, by the way he has made an attempt to-day already, to show that I agreed with this oath or any oath, and when I asked him to submit his proofs he had to withdraw what he said. Now let him prove by any document, any act, or even by the evidence of any friend of his who was present, that the Cabinet ever let down the Republic. The first attempt that was made to let down the Republic was this Treaty and I have said that I forgive him [*recte* them] knowing the circumstances which were responsible, knowing the influences that were brought to bear upon them, but the man upon whom no such influences were brought to bear I certainly cannot forgive him.

MR. GRIFFITH: There was, I think, an understanding arrived at that we should avoid personalities as much as possible in this place.

MR. BRUGHA: There were statements made about me.

MR. GRIFFITH: There has been a gross personal attack made here on one man. There has been most offensive statements made about members of this delegation. I say I do not need his forgiveness. I do not ask his forgiveness. I have done nothing that I have not a right to do and I have done nothing which I believe is inconsistent with the honour and interests of my country. I shall not ask or seek any man's forgiveness for the action which I took. An attempt has been made undoubtedly to represent the Cabinet as standing firm and immovable on the rock of the Irish Republic and to show that we were the people who went to London and let them down. Now the documents are before you. Base your judgement, not on what any man says, but on these documents (Hear, hear). That is what I ask you to do. In one document you find the form of oath given by the President. There is the oath. In the minutes of the 25th November, 1921, you will find the following formula was unanimously approved, "That Ireland shall recognise the British Crown for the purposes of the Association as symbol and accepted head of the combination of Associated States." That was the unanimous minute of the Cabinet recognising the British Crown and further a vote of an annual voluntary sum to the Civil List was unanimously approved. I stand on that document. If anyone wants to make the charge against us, who seek to put us before the country in the position of going away and deliberately giving up what they were standing on are not entitled to do that. I ask you simply to use your own estimate of the documents and don't allow personal statements either from ourselves or the other side.

MR. BRUGHA: We must settle this thing satisfactorily. Let there be no heat or as little heat in doing it and please God we will all come to the proper conclusion and be friends and put Mr. Lloyd George where he should be (Hear, hear). Now, there is no offence intended in what I am going to say in regard to the Minister of Finance now. Certain things happened, things only to be known later, to let everyone understand how things stand. Now the same gentleman to whom I have already referred when I was speaking a few minutes ago, the same gentleman to whom I referred already when I was speaking this morning, said that this matter regarding the vote of an annual voluntary sum to the Civil List was swallowed by the Minister of Defence. Now, I swallowed it eventually and I will show you how I did swallow it. The Minister of Finance came over one week-end and we had a Cabinet meeting on the Sunday and this suggestion of a voluntary sum to the Civil List, so far as my recollection goes, had been made in a memorandum submitted, if I mistake not, by Mr. Chartres. If I mistake not it was he who submitted it. Well, we discussed the matter, or rather the others present discussed it, and eventually I said, "It is not going to settle the matter; I don't believe we are going to settle it on that". And so far as I was concerned then I was finished with it. Now, the Minister for Finance misunderstood what I said. I have not the slightest intention of saying he deliberately misunderstood me because I don't believe he would do such a thing. What I say now can be corroborated. I did not agree. I said it would not settle the matter and there was no use discussing it then as far as I was concerned and it ended there. Then at the end of the same week, or the following week, the chairman of the delegation and the Minister for Finance came over and it was stated at the meeting we had then that a document agreeing to this had been handed in that morning or that they thought it would have been handed in that morning. They were not exactly certain. I pointed out that I had not agreed to that and eventually, after a discussion, the President put it to me, "Well, can we have unanimity or can we not? I put it down that it had been agreed to, with one dissenting. This means now that we have not unanimity in the Cabinet and the object all along in these negotiations was to have unanimity, to prevent a split as far as it could be done." It was under these circumstances I said, "Very well, if it has been handed in I am agreed", in order to preserve unity to the finish.

MR. M. COLLINS: Mr. Speaker, I have risen a couple of times. One statement was made that I said I was in a fog. That statement is incorrect. What I did say was that I was constantly being befogged by constitutional and legal arguments on cases and points which I did

not understand, which I do not now understand. With regard to this £100 payment I would ask the President one question, whether when I came back on the following week he did not agree with me that it was the impression that the Minister of Defence had agreed to this £100.

THE PRESIDENT: I can answer that both statements are correct. There is no incompatibility whatever between them. The point is, as I explained at a previous meeting, I had tried to get unanimity. My position was association because I did not see by negotiation any other way we could manage. Whenever I made a proposal consistent with this association, of course I had the Minister for Defence who would have nothing but an isolated Republic and he, like a number of others, could not conceive that you could have a Republic in association. In any case I had to pull him along in a case like that and he threw up his hands, but it is not right that he said, "I will take it and get done with the whole thing".

THE SPEAKER: I am not going to stand much more of this and I don't believe the country will stand much more of it. I want, in the name of this Dáil, to tell those people who have come here to vindicate themselves that it is not their vindication we want at all. Let them wait for a month or six months and vindicate themselves. It can be done just as well then as now. Is the question of the vindication of persons? Is that the question that is going to go out to the nation from this Dáil because, if it is, you are going to rend the nation in two inevitably, if it is the vindication of persons. I am not going to be responsible for that. You go on with it, I will walk out. I won't be responsible for it and I will tell the people of Ireland my view about this thing, the vindication of persons. No matter how important that may be, no matter how important their honour is to themselves, no matter how necessary it may be in the future for them to vindicate themselves, this is going to go from here to the nation. It is going to split the nation inevitably and the man who carries it out from here, we ought to tell him here he is going out with the purpose in his mind of splitting the nation. I spoke about it yesterday to try and explain the position. I am going to say one word to explain it. I am an Irish Republican now and I am going to remain one. So are we all. Isn't that so? (applause). Yes, and there are no Dominion Home Rulers here, not one, and there is not going to be one (No), no matter what any person reads out of it. Isn't that unanimous? (applause). Very well then, aren't we wasting our time with a lot of nonsense? Well, if we are going to end this business respect for any man on either side is not going to lead me one inch further in this. I am perfectly certain you have heard enough of this and if you have not heard enough of this adjourn the whole thing for a month and adjourn this for a month.

MR. BRUGHA: You have started your statement with a question and it must be answered. The question is not the vindication of anybody here. The question is that all of your people, before it goes to the country at all, should understand exactly what has happened and if there is any possibility of misconception arising out of any statement in the document it should be settled here before we go to the country.

THE SPEAKER: Let it be settled and let us come to some conclusion.

MR. DE RÓISTE: If we are to get back where I naturally agree with the Speaker of the House—we are all Republicans and we shall be Republicans whether we accept or reject this Treaty (Question).

THE PRESIDENT: I must protest here as President against the Speaker of the House making a speech which is prejudicial to what is a most important question because he tried to make it a question of persons.

THE SPEAKER: I leave the Chair then. Before I leave the Chair you will carry out your arrangements you have made already with regard to handing back those documents.

MADAME MARKIEVICZ: Sure, we haven't read them.

MR. SEÁN MacENTEE: Before you leave the Chair may I try to say what I think is at the bottom of this discussion (No, no, adjourn).

The meeting then adjourned for luncheon at 2 o'clock.

On resuming after luncheon the Deputy Speaker took the Chair at 4.10 p.m.

THE DEPUTY SPEAKER: I gather that the Deputies are to express their views freely on the general situation. The Whips have a number of names and I will call them in a certain order and I trust that there will be no interruptions and that when a speaker is on his feet he will be allowed to speak. When any Deputy takes exception to any remarks that may be made surely he can make a short note of it and speak afterwards. We cannot possibly get on if interruptions are to be flung across from one side of the room to the other.

MR. AUSTIN STACK: Arising out of something that happened yesterday when the Minister of Finance was informed of something that had happened in his office—the information was, I think, conveyed to the House by the Deputy for North Cork—I have here the police report with regard to the happening and I think I ought to get liberty to read it. It is with regard to the raid on the office of the Minister for Finance.

THE DEPUTY SPEAKER: I say here there is no objection to that being read.

MR. STACK The following is the report:

"ROBBERY AT DÁIL FINANCE OFFICE.

A Chara, I beg to report having in conjunction with the Deputy Director of Intelligence investigated the above robbery. From examination it is quite apparent that the person or persons who entered the office secured keys by some means or other, as from examination there appears to have been no force resorted to, as the doors and locks are not damaged in any way. So far as the staff reports that no documents were removed but a small portable safe which was in a secret recess in the room, and which, I believe contained ten or eleven hundred pounds is missing. It is suggested that it was taken away in a leather case, which is also missing from the office. It is said that the safe would have fitted in this case. Apparently the intruders were very well informed, as it would be very hard for a stranger going into the office to discover the recess, and as it was opened and manipulated without force being applied it would suggest that the intruders were very well acquainted with the office routine. We interrogated some charwomen and others who have access to the building but without any success. No member of the staff can throw any light on the affair. I am informed that the sum of money removed was in fifty pound notes and the banks have been instructed in the matter with a view to tracing the robbers. Numerous documents were strewn round the floor of the office and the drawers of one desk were forced open as if the intruders were looking for documents or money. We interviewed the contractor who supplied the lock; he states that originally he supplied six keys. So far only five of those keys can be accounted for and we have failed as yet to discover who received the sixth key. This man also states that it would be impossible to pick the lock or open it by any *other*? [*sic*] device other than the key made for the lock. The only conclusion we can come to is that the intruders had a key, or else that the office door was left open by one of the staff the previous night. The whole thing is a most mysterious affair, as the staff reports no documents were missing and it is an extraordinary thing that ordinary burglars would resort to entering an office of this description in search of valuables or money. The police are still pursuing investigations. I enclose notes of Deputy Director of Intelligence".

The notes of the Deputy Director of Intelligence read:

"The Yale lock was not forced. Entrance to office could only have been obtained by duplicate key or door was not locked when staff were leaving yesterday evening. The walls seemed to have been sounded as the paper in some places was torn off.

One open press was searched and the contents strewn about. The staff informed us that so far they have not discovered if any papers or correspondence is missing. The small safe which was kept in the recess was

possibly taken away in a leather bag belonging to one of the staff. The drawers of the Cabinet desk were forced open and contents scattered. But O'Connor informed us that six keys are accounted for which are in the hands of the staff. We interviewed all the staff and they can throw no light on the matter."

That is the information that was asked for by the Deputy from North Cork last evening and now when it came to my hands I thought it better to give it.

THE DEPUTY SPEAKER: If any Deputy for North Cork or Minister for Finance wishes to speak they can do so.

MR. ML. COLLINS: The reports agree exactly with the views of the man in charge of the office, Mr. George McGrath, except I think they have got information with respect to the sixth key. Just now a report will be coming along about that.

MR. P. Ó MÁILLE: Now my friends, as there are a number here who cannot speak Irish, I will try and repeat what I have said. I am glad that those papers were submitted to us today because in my humble opinion, and the common ordinary man is entitled to his opinion, your attitude and your actions here today will be judged by the man in the street. It is the man in the street who will pass judgment on you and not the logicians who are twisting words. In my humble opinion this document of President de Valera's is a far greater enemy of Republicanism in Ireland than the Treaty itself, because this document tries, as it says in the beginning, "to bring to an end the long and ruinous conflict between Gt. Britain and Ireland by a sure and lasting peace honourable to both nations." This document is trying to tie every man, woman and child in Ireland and to take them away from the Republican ideal. If the Treaty is passed tomorrow there will be a large minority in the country against it and that party will be the nucleus of a Republican Party. In this document it is proposed under clauses 5 and 7 to form a treaty with England, an offensive and defensive treaty, and if this country is to be invaded, say by the United States, we according to this document of President de Valera's are placing ourselves in the unfortunate position that Belgium was placed in during the late war. Now my friends, there is a great deal of talk of conscience in this. Every man is entitled to his own view in that matter and we here in this Chamber are supposed to represent the views of the people who sent us here, and if we back down from their views and give votes contrary to the feelings of the people how does our conscience stand after that? I think, Sir, that as an honourable man you (the President) ought to stand down and not to vote away the lives of the people of Ireland. I think you have a grave responsibility before you and every man of you. The delegates were sent across to England, they were placed in a very awkward position, and I think instead of pillorying them here now you ought to congratulate them on the magnificent fight that they made under the circumstances. Now there is talk of reality and shadow-chasing. This document of President de Valera's is like looking for a bit of glow in the rainbow, but when you look for the rainbow you won't find the glow.

Is mairg a bhíonn go holc agus a bhíonn bocht na dhiaidh. And does any man say here that if you put this document of President de Valera's before the people of England it would be accepted in its entirety? I say there is not a man, woman or child who would believe you.

THE DEPUTY SPEAKER: I would like to remind you to speak as short as possible. I don't like to restrict time but as there are a great many Deputies who probably wish to speak it would be well if each Deputy would speak as briefly as possible.

MR. SEÁN MACENTEE: I am in rather a difficulty in rising to speak now and I thought in view of the indefinite state we left the discussion this morning that we would have to consider the documents which were placed before us and to see how far they were relevant to the matter under discussion. If I tried to deal with that issue now I must necessarily restrict myself and the time of the other delegates in dealing with the Treaty itself, but since the delegate or the Deputy from Galway who has just sat down has made a reference to this document it might be no harm if I tried to place the discussion, which has opened very informally and so inert and so inadequate, upon something

like a proper basis in regard to those documents. Those documents are very relevant and very pertinent to this issue. They are relevant, are pertinent to it in this way, because it is those documents that are to determine whether the Cabinet of the Dáil, irrespective of what the Dáil itself may do—and I hope if the Dáil Cabinet were to go wrong in this matter that there would be still left in this Assembly sufficient intelligence and strength of character to reject that Treaty upon grounds which I hope in time to have an opportunity of placing before you. These documents I say are relevant to this issue, whether the Cabinet is bound to honour the signature of the delegates or plenipotentiaries, to give them their proper title. There are those documents. Out of the mass of documents there are three that are pertinent to the discussion. First of all there is the fundamental document—a document from which all the delegates' actions and powers issue—the copy of the instructions to the plenipotentiaries. And the most important clause in that document is clause 3 of it which says, "It is also understood that the completed text of the draft treaty about to be signed will be similarly submitted to Dublin and reply awaited." Now, Sir, that was not done and I think it has never been held by any person in this Assembly that the complete final draft of the Treaty was submitted to the Dáil Cabinet. There may have been a semi-final draft, but what is here nominated in that form is the final draft and that was not submitted. When it was not submitted the Cabinet cannot be in honour bound to honour the signature of the delegation. They may not be bound in the letter some might say, but it might possibly happen that they might be bound in the spirit and if they were I should say that in order to secure unanimity in this Dáil it might be a good thing for the Cabinet to consider whether they might not adopt the Treaty. But there are two other documents which we have to weigh and consider in order to decide how we shall stand upon that question. The first of these documents are the records of the secretary of the Cabinet. Those records may be a fair record but I ask you to remember this that they are necessarily not records. There is not one member of the Cabinet who has pledged himself by his signature that these are absolutely and exactly accurate minutes of what happened at these meetings. The great point that has been made is in regard to a certain oath. In connection with that oath I ask you also to consider the memorandum which was prepared, I believe, by the Minister of Economic Affairs at the instance of the chairman of the delegation. That memorandum purports I believe—and I am subject to correction if I have gathered a wrong impression—to express as definitely as it is possible to express it the collective impression of the delegation as to what were the views of the Cabinet upon the proposals that have been set before them—what were the views of the Cabinet as to the proposals which they wished to be laid before the British plenipotentiaries. Now, Sir, there is here in this document an oath which appears in exactly the same form to that which was recorded in the secretary's minutes and we have already heard that that oath is included in the document which is entitled, "Amendments by the Irish Representatives to the Proposed Articles of Agreement." The oath as included in that document is only one of three drafts which were if you like not exactly laid before the Cabinet but, if they were laid, certainly not discussed and accepted as the final and considered views of the Cabinet upon the matter. But that oath appeared as part and parcel of other essential conditions, other essential clauses, which qualify every word of that oath, and that oath must be taken in context with that and cannot be taken apart and considered apart from that. Those, Sir, represent, I dare say, represent the view of that what has transpired today of one section of the delegation as to what were the Cabinet's views upon the matter; the draft treaty represents the views of the other section of the delegation as to what were the Cabinet's views upon the matter. Now, Sir, in so serious a matter as this and particularly in view of this written instruction which governed every action, I of [*sic*] the delegation itself was not unanimous in its view as to what were the decisions of the Cabinet that Saturday afternoon. And I say that lacking that unanimity of impression they are not entitled now—and mark my words—to sign any treaty, much less to come back here and demand as a right that the Cabinet of the Dáil should accept it. I don't say that in the very, very difficult position in which they were placed

they had not certain rights. They had the right to exercise their own discretion. They had the right to append their signature to that document upon their own responsibility but then they had a right—the only right they have in the House as I contended—first to come back and submit it here before the Dáil not as the instrument of the Cabinet, not as an instrument which the Cabinet is bound in honour to accept, but as an instrument which the Cabinet may consider and reject and would ask this House to reject if it so thinks fit. Now, Sir, I am afraid I shall have to deal a little longer in view of the fact that I have to try to deal with this document, and I will have to take up a little more of the time of this Assembly than I wish today, but I am going, if I may here in private, to give you the reasons why I am against this Treaty. I do not wish that anything I should say should hurt anyone here. I may say hard things about the Treaty but I do not wish —and I could not if I did—to say one hard thing about those who have signed it because it is not in my power to say it. In this matter every man must be a conscience unto himself and every man must act true to the truth as he sees it, but I say this, that everything connected with this Treaty shows that the delegates were hurried to the signing of it. In the short space of about 17 hours it was conceived, adjusted, written and signed. They were sleepless, travel-worn and care-worn men. Whatever the consequences of this Treaty —and I believe they will be very consequences [*sic*] indeed—the verdict of the future, when the extenuating facts are known, will indemnify the delegates, but as regards ourselves it is a very, very different case. We have time to consider. We have had time to take counsel. What we do now we do after grave and weighty deliberation and, from the consequences of our act, for us there will be no relief. I cannot think, I cannot believe, that when such consideration as that is placed before you—men who have by their devotion, by their suffering, by their valour, honoured by a glorious place in our country's history—I cannot believe that when such consideration as that is laid before them, that they will not weigh carefully every word of that document, search every clause, examine every clause and when honour and expediency conflict let honour triumph and thus remain steadfast and true for ever, the dauntless guardians of this nation's soil. It happened that last night, stung by a reference which the Assistant Minister for Local Government made to our President, I interjected, in the course of a very cutting and incisive speech, which, if he will permit me to say, made me think that the mantle of a distinguished relative of his who has played his part in Irish history—

MR. KEVIN O'HIGGINS: On a point of personal explanation, I am not a relative of Mr. Healy's.

DEPUTY SPEAKER: This has nothing whatever to do with the matter before the House.

MR. MACENTEE: I only wish—

MR. O'HIGGINS: I was not alive when Mr. Healy married my aunt.

MR. MACENTEE: If you will permit me in the best of good humour to say so, I must say that I am very very sorry that he was not alive when Mr. Healy married his aunt, otherwise he might not be here now. However, as I was going to say, stung by a reference which the Assistant Minister for Local Government made to our President I interjected a remark. That remark I freely admit was in the very worst of bad taste. I know it had absolutely no relevance to any gentleman here. I don't believe that [of] any member of this Dail, and I wish therefore most sincerely to express regret and to apologise for it. But Sir, when I made that remark—and perhaps it was a fitting punishment for me—the member who was speaking spat out one word, "reminiscences". And some members here thought themselves fit to take it up and cast it in my face. Well that word did awaken recollections in my mind. I remember some years ago, when a rash and impulsive boy, I applied for a commission in the British army. There are other men who held that commission who thought they were doing the best for Ireland. Something, however, made me withdraw my application. It was afterwards produced at my courtmartial and it was one of the most damning testimonies they brought against me because the construction placed on it was that I applied for it in order to be a spy in the ranks.

MR. O'KEEFFE: We are not trying

Mr. MacEntee for anything he did for the last 20 years.

DEPUTY SPEAKER: I am afraid he is wandering from the point.

MR. MACENTEE: If you will permit me to develop this in my own way. If a man is insulted to his face may he not have the right of reply? Is there one here who will take the same attitude towards me? Sir, something happened to change my course. I therefore threw myself into the Volunteers and I served very loyally there. There is a Deputy in this House who will tell you that with his brother I worked day and night in that corps. When a certain document was published countermanding mobilisation for the King [*recte* Rising] I rode from Dundalk to Dublin and saw the first President of the Irish Republic, received his orders and left Dublin at five minutes past twelve on Easter Monday, got to my men three miles from Dundalk and brought them out. And when our petrol ran out my men got through the enemy's lines, got into Earl Street, into the Post Office, left the Post Office under the order—

MR. DAN McCARTHY: On a point of order. If we are going to have the history of the action of every man since 1916 we will be here until tomorrow morning.

MR. MACENTEE: I say it is relevant and I will show you the relevancy in a moment. I change my course and find myself inside the enemy's lines in Dublin—

DEPUTY SPEAKER: I fear I cannot allow the Deputy to continue in that strain. It has nothing to do with the subject.

MR. MACENTEE: It has. I tell you it has.

DEPUTY SPEAKER: Is it the wish of the House that he continue?

SEVERAL MEMBERS: Yes.

MR. MACENTEE: If some people will not have enough patience to hear me speak for the first time really on this question, well then it is not worth while considering the position of the country at all. I left that Post Office under the O'Rahilly's orders. I was second last in the file entering Moore Street. I rallied my men there, put a house into a position of defence and prepared to stand then, as I am prepared to stand now, for the cause of Ireland and the Republic. That was a significant change in the space of six years, and when the word "reminiscences" is spitten at me memories like that rise up to me and make me say, "Well no man can say that I am not worthy to be a member of this Dáil and to speak in this matter and put my views before you." Now I said I would show you the relevancy of this matter later. What was it changed me about 1914? It was simply this, that Redmond in 1914 asked us to join an Irish Brigade in order that we might secure the unity of our country. When it was apparent that Redmond was about to be betrayed and that England was going through with its policy of Partition, seeing that touchstone of national unity, much nobler men, greater men, inspired me. I saw where my duty lay and, as I decided upon John Redmond's policy by this touchstone of the national unity, so I test and condemn Mr. Griffith's policy now. There are two problems with which those who try to serve their country are always faced. The first and the transcendental problem if you like is how to secure her national independence, but there is another, and I have held always that it comes first in point of time, and that is how to secure her national union. Men may differ from me that it is not a question of principle at all but a question of expediency. I, Sir, contend that you will never have by the very fact of it an independent nation until you have secured a united nation upon honourable terms. It was said the other day—yesterday—by a very eminent member of the House that he was an opportunist. So am I an opportunist who tries to serve his principles and to seize opportunities to serve and not to subvert his principles. I saw in this conference an opportunity not to secure a Republic, or even to secure Home Rule, but an opportunity to secure the union of the Irish nation. I was a strong supporter of the conference from the first. I said many things about the conference but no one can say I ever said I would accept anything from that conference that did not bring Irish union. That was to be my test. I would not have taken the oath of allegiance to the Assembly to act otherwise. They say they did support it in order to obtain

Irish union. I said I would never sit in an Assembly based on that conference if it entailed an oath of allegiance to the English King, and this conference and these proposals have secured neither Irish independence nor Irish union. So far from securing independence if it lies in the hearts of men in this generation to make this glorious achievement impossible—

MR. COLLIVET: He is speaking on the main line of the Treaty and we will be getting confused—now on the genesis of the Treaty and then on the Treaty itself. If this is to continue we will be here for a fortnight.

THE DEPUTY SPEAKER: I understood that private members were to express their views on the general situation.

MR. SEÁN MacENTEE: I am against the proposal because I believe article 12 of the Treaty, so far from securing Irish union, makes it for ever impossible to obtain it. There are many grounds on which I might base an objection but I refer you to a speech of the Prime Minister of England on Wednesday afternoon. In that he said, in reference to article 12, that they considered and that the friends of Ulster thought it desirable that if Ulster was to remain a separate unit it was desirable that some alteration should be made in her boundaries, and he went on to define what in his view the alteration should be. He said it would be to remove from under her jurisdiction certain people and districts over which the Government of Northern Ireland can never rule and substitute for them certain other districts, Monaghan, Cavan and Donegal. That is what is meant to Ulster delegates—certain other districts over which a new Order in Parliament can be made effective and which will give to the Northern Parliament a population which is essential in order that here should be planted or established in Ireland a second race and people who will be the inveterate and relentless enemy of the indigenous nation. I heard the remark, "Nonsense". Let him who made that remark refer to the debates in the House of Commons and he will see plainly stated in article 12, if it is accepted by this nation, can be done in the spirit of the man who is forcing the Treaty on us and can also force his interpretation on us. If that is to be interpreted in Lloyd George's spirit, and it will be so interpreted, we are going to erect in Ulster, and we are going to give to the Ulster people the title deeds for a fortress of Orangeism and Unionism that will hold Ireland for England as surely as Gibraltar holds the Mediterranean for them. And that is my great objection to this Treaty. I ask you to consider and weigh it. We have been told in this House that there is a certain element which was not represented here. The eminent gentleman who occupied the Chair had taken that as his especial charge. I wish to speak of the same elements but with a closer intimacy with their real views on this matter. I was born and lived in Belfast until six months ago. Do the people of Belfast and those six counties know the real object and purpose of this Treaty? I don't say, mind you, that it is the purpose of the chairman of the delegation, but it is the purpose of the men who fashioned this Treaty and wrote the draft of it, the English Prime Minister, that man who said they could not deal with the Irish situation until Ireland was faced with the accomplished rights of Ulster, and that man who kept this country in a swelter of blood and suffering for the last eighteen months, when long ago public opinion in England was ripe for a settlement, in order that he might set up an Ulster fortress. That, Treaty or no Treaty, is going to bind Ireland to England forever. I speak for the people near Belfast and if they knew the inwardness of that Treaty, no matter what you in Ireland would do, there would come from them a cry that you might save them. Reject the Treaty for ever, not to save the people of Belfast, but your own country which will be destroyed if this Treaty is honoured by you.

MR. LIAM DE RÓISTE: I rise as due in public opinion in support of the Treaty, and I wish to explain in the first instance my personal position. It seems to me that you have come to this in this Assembly that we must all explain our personal position. I deny here that in a public interview which I gave to the press I I praised the terms. I defined the issue and by that I stand. The circumstances under which I got the outline are quite simple. I had not the draft Treaty before me. I got it from a newspaper office. I made no comment and gave no consideration to the

three or four first parts of the Treaty as outlined to me but when it came to the point that the British forces were to be withdrawn from this country within a short time I said to the man who asked for my views, "I will give you my views now." Apart from all walls of words about states or international situations or interpretations in the minds of English or Irish delegates or the Cabinet or the Dáil the concrete fact in my mind is that for 750 years there have been armed forces holding this country, and if they get out, as I said to myself, I don't mind saying it in the Dáil, in vulgar words, "the English can go to hell." I want to say also, as our personal positions are challenged, that I hold the same opinions now as since I was about four years of age.

A MEMBER: You must be childish.

MR. DE RÓISTE: I don't know whether, in my childish imagination, in building sand castles I always had Finn MacCool driving the English out of Ireland. When I said that in an outline of what would be the effects of this Treaty was the fact of coming to an agreement that the English armed forces would get out of this country, I said that is the idea we have been looking for. Further, and I find now particularly in the last three or four days that I was living in a fools' paradise. I understood always that the people were our masters and I understood in my ignorance that the Dáil were the masters of the Cabinet, that they are the Government of this country, and with that idea in my mind I considered that what was brought before us in Dáil meetings in the last session, and in the session prior [to] that particularly, were the instructions which we as a body were giving to our plenipotentiaries who went to London. I knew of no divisions in the Cabinet or of what I held to be the Government of the country. All I knew is what this Dáil, looking at it as the sovereign Assembly of the nation, has instructed our delegates to accept. Had a thunderbolt from heaven fallen at my feet I could not have been more surprised than when I read the statement of President de Valera last week in the papers. I can understand the attitude adopted by Miss MacSwiney and Mr. MacDonagh in cavilling at or controverting anything that the delegates did, because those two Deputies at the last session of the Dáil and the session prior to that wanted the hands of the plenipotentiaries tied. All the rest of us in this Dáil accepted what was put before us by the united Cabinet—and I presume it was united then. We accepted the idea definitely and it was put to a vote that the plenipotentiaries be given a free hand in the negotiations. I myself in fact was responsible at the session prior to the last session for putting that to the Dáil and I did so having the greatest confidence in the Cabinet of the Dáil. The President asked that the motion I put be accepted as a vote of confidence in or censure on the Cabinet, and he stated that the Cabinet, though elected only that morning, would resign if the motion was not carried. The motion was quite clear in my own mind and, as I thought, in accordance with what the President and the Cabinet wanted, namely, that the delegates or plenipotentiaries should go over to treat with the English and do the best they could under the circumstances in which they were placed. I hold therefore that this Dáil gave in that motion, and subsequently when the point was raised, the instructions to the delegates. What was done by the Cabinet, whether it split or did not split, whether one man had one view and another man had another view, is in my view quite irrelevant to this issue; it is nothing to us in the Dáil, as ordinary representatives in the country, all this thing which has gone on during the past three days, what these men say or think, or what letters were sent or were not sent. We sent our plenipotentiaries with certain instructions from the Dáil on very general lines and we must accept the consequences ourselves. The private session went on last evening and for an entirely different purpose. No matter what disagreements of opinion are here, if the Cabinet of the Dáil is to regard itself—and I speak of it as the one body who is to regard itself as the Government of this country—it should take immediate steps now to govern the country. What I refer to is this. We are passing through a crisis. We were plunged and the public were plunged at once, they thought, into wild differences of opinion which I, even now after three days' whirl of words, I don't understand. The Government of the country is being plunged at present into wild whirling statements which are leading to acts, and unless we have some authority in this country, some direction from the

Cabinet, which in our view stands as the Government of the country, this country, whether we ratify or reject the Treaty, is going to be plunged into chaos. And I ask, in order to get rid of that, at this private session which will not be stated at the public one I ask and appeal, if the appeal of a private member is of any importance, now to the members of the Cabinet as a body to take steps. Even now to try and in some way reassure the public mind so that the Republican party at least—although other parties in the country may do and armed forces—may not be split into two fractions. I should have thought it would have been their duty to do that first before presenting us here with this Treaty. Now, Mr. Speaker and members of the Dáil, we look at this as the Parliament. That has been our attitude. In the circumstances of the country in the last few years it was a justifiable attitude when we were fighting the English. But I should also like to remind the members of the Assembly that there is no assembly in the world, and I don't suppose there ever has been, composed simply of one party and I maintain that this Assembly is still composed of only one party and that is the Republican Party of Ireland. If we are divided because of our opinions on this Treaty with England it is not so much the country you are dividing, it is the Republican Party of Ireland that you are dividing. There are different sections and different parties in this country still. We are failing to realise that there are still what used to be termed constitutionalists and unionists and we are failing to realise that there are labour elements in the country, that this is still a nation with its different parties and different sets of ideas. If we split into different opinions on the Treaty it is not so much perhaps the country in that sense as the Republican Party in Ireland. Every man in this Assembly has a dual capacity; he has personal ideas and opinions and ideals and wants to try and square what we are presented with with those ideas and opinions. If that were the only consideration we could divide quite easily, I should think, because I believe, having still faith in the declarations we have made, that every man is honest and that we have all only one opinion. But the more paramount interest is not our own personal prejudices or ideas and personal principles. The paramount interest is what are we going to do for the people who sent us here. Some of us who stood at the 1918 election stood against other parties and by a majority of votes were elected, and it is in the interest of the people that elected me that I am concerned with and not with my own personal ideas or that I said one thing at one time and another thing at another time. I know their feelings and views on the Treaty as it appeared. They may be wrong feelings and views because as I see now they did not have the full facts before them. But before we come to an actual decision on this Treaty in public or private I should like to impress on every member of the Dáil who is not already prejudiced—I am not using the word "prejudice" as any term of reproach but perhaps it would be better to use the term "leaning on one side"—what I should like to impress on each member is that the paramount interests on which we must decide the question are the interests of the people, the interests of the majority of the people. You can have no order in the country if you don't have democratic rule, that the majority rule must prevail, otherwise you have chaos in every country. You will have chaos unless you have in every country some kind of rule to apply and the rule of balance should be the rule of the majority and it should be the object to consider only the people; and it is the interests of the poor, the weak and the lowly of the people who have been crushed down that I consider first and not my own ideas, prejudices and biases. What I fear most, and that is why I ask as a humble member that the Cabinet to whom we have looked for guidance in the affairs of this country should consider some method of preventing what we shall term a split. What I have most at heart is this, that we should not be put in the position, whether we accept or reject the Treaty, that the Republican Party and the other parties and the people should be put fighting amongst themselves with armed Orangemen in the north who would care to take advantage of that, or with armed, as we used to say, Bolshevists trying to take advantage, and with the English as good lookers-on trying to defeat each separately that they might defeat us all by and by. These things are of some consideration for the Cabinet of this country; and the Dáil, whether a letter was written one day or another or whether this was interpreted this way or the other, should as one stand independent between one side of the

Cabinet and the other. I say the Cabinet was wanting in its duty to the Dáil and to the country when it did not consider those things before the plenipotentiaries were sent as to what would be the consequences either of acceptance or rejection or of a break over in London itself, and I think it may not be too late yet for them to consider the consequences whether we accept or reject, because as I have said the paramount interests for them as here should be consideration for the whole people of the country and not points of phrases and words. We came up here from the country, many of us, many like myself, knowing nothing of differences in the Cabinet—we came and in the first public session we were plunged into a whirl of words which was not to the honour of the Dáil or the Cabinet as a body, or of the whole people, that we should be presented the very first day in the public press as such a disorganised and disordered body—no rule of procedure, no ordered debate, words bandied across tables and things like that before the people of Ireland and the world. These things should have been considered beforehand. We came prepared to discuss the Treaty on its merits, at least I did, and instead of that, for three days, first in public and afterwards in private, we have not been discussing this Treaty at all; we have been hearing opinions and views privately. It might have been well for the Dáil and for the country had we heard all the private views previously. We hear them now for the first time. Those are not the relevant questions. The good order and government of this country through any crisis whether we are faced with the English forces in the country ready to fight again or with the clearing out of the English forces in this country, and perhaps our own people ready to fight among one another, that is the relative [*recte* relevant] question, and the other relative [*recte* relevant] question which I presume will be placed before us tomorrow is the acceptance or rejection of the Treaty.

COUNTESS MARKIEVICZ: I wish to state in the first place the attitude I take between the Treaty and the document put in by President de Valera. To begin with the Treaty, I shall not say much about it but I want to say a word first because I cannot discuss the other without mentioning it. When I saw the first copy of the Treaty it came to me like a bolt from the blue. I had no more expected that the plenipotentiaries would have agreed to the Oath of Allegiance to the King of England than that I should have agreed to it myself. I believed too that going as they did as envoys from the Irish Republic such a thing would have been impossible for them to agree to without ratification of it on the larger scale—ratification from the country. That is where I take my stand as to that document taking it as a whole, and that is precisely where I will have to consider President de Valera's document. I am a Republican, I won't say a die-hard, I say an undying Republican, and to me, in that Treaty, you absolutely and deliberately by swearing an oath to the King of England, put the Republic behind you. You, as it were, pledge yourself to an authority other than the Irish Republic. In the document that the President puts forward there are many disagreeable things but there is no giving up of the Republican position. As a Republic you can make treaties, and [are] in a position where it is quite fair to discuss beforehand the sort of treaty you are to make with England, a sort of limitation of sovereignty of Ireland, to discuss such bitter pills as Spain had to discuss when she gave up Gibraltar to the English. We in such a way ought to discuss the giving up of our ports and other things to England. But that is a totally different thing from swearing an oath of fealty to the English King and I say again that will never do. I will swallow any humiliation but I will not do a thing which I would consider dishonest, first, before God and my own soul and, secondly, before the men who died for Ireland in all the generations and, thirdly, to my constituency in St. Patrick's and the poor and the humble. They are nearly all poor now and each one has said to me, "You will be true to the Republic." I have expressed my opinion without going into details of the two documents why I could consider that of the President and could not consider that of the delegation. I am not making any personal allusion to anyone in Ireland and I wish to say that I hope that the end of this long disagreement in which we have all taken part will be that we can all work together for the good of Ireland. I hope the delegates will realise that, while I disagree with them, I understand and can sympathise with them, for they did their best in a difficult position to do what they thought

right for Ireland, and that I will not try to do anything mean or underhand in my attitude, that I will put aside everything but principle in trying to work with them whichever way the matter goes and, while I express loyalty to President de Valera as President of the Irish Republic by which I stand, I can only hope that they on their side will exercise some leniency towards Ireland. If we don't get now some compromise, some loyal pledge that we can stand all together in the name of the dead and of Ireland, we shall break up all that has been done, ruin the cause for which so many have risked their lives, for which our men died and were tortured, and I appeal to the Dáil, let us clean our dirty linen in private, and if not get to the bottom of things, try to get into some position from which we can fight the enemy. I have stated my position and I hope we will be able to do the best we can for Ireland, to work for Ireland together, being loyal to the points of view that God has given us. I ask you to be quite loyal and true to what you believe is right and if we do that I think we shall throw the enemy out of our country. I shall have more to say on the Treaty tomorrow, but this is not the time to say it.

MR. ALEC MACCABE: I may say at the outset that I admired very much the sentiments expressed by the last speaker and I compliment her on the effort she is making to secure a united effort by the representatives of Ireland to secure the country against a split or against the consequences of a split in Dáil Éireann. My opinion, my views always were Republican. I always had the greatest faith in the leaders and the members individually and collectively in the Cabinet, the men we entrusted with carrying out this fight to success. Until today I had some doubt in my mind as to what the issues really were. A good many of us thought that on one side were the people for ratification of this Treaty and that on the other were the uncompromising Republicans. I may say that on reading some documents submitted to us today I am completely disillusioned. Now I know what most of you in the Dáil know, that the people who are honestly and sincerely out for accepting the goods as delivered by Lloyd George are on one side and on the other side are a number of people, a number of Teachtaí including Madame Markievicz. The great majority possibly [are] people honestly and sincerely devoted to the ideal of an Irish Republic and are going to be consistent in pursuit of that ideal to the very end. I admire these people and none of the people who are in agreement with me or have the same views as I have on this Treaty have anything else but sincere admiration for them. Another part of the opposition is made up of people who accept President de Valera's alternative scheme. There is no use in describing that scheme and telling the intelligent people that he represents that if it is realised that it is a Republic. I deny emphatically that any state in which the legislature or members of the legislature or members of the Cabinet or of the Government have to swear allegiance to a foreign potentate or monarch is by any stretch of the imagination or could by any stretch of the imagination be described as a Republic. My views as I say were, I don't think, properly made up until I saw this document but now I think that it is up to us to face the facts as they are, and my decision is, I have taken it now, is that I shall vote for the acceptance of the Treaty, and I do it for these reasons. Before I go on to the Treaty I must explain my position. I regard myself still, and even after I vote for this Treaty, as a Republican and an uncompromising Republican. I may be inconsistent by voting for it or in taking the Oath but I am not sacrificing my principle and I refuse to concede to anyone who says that I am giving up the ideal of a Republic. I refuse to concede it. I don't agree with anyone who says that by voting for the acceptance of this Treaty that it compromises in any way the chances of Ireland ultimately securing a Republic. As regards my views on the question of the delegation and their action in London my views are these, that Dáil Éireann gave these people the instructions when they voted on the motion, that Dáil Éireann entrusted these people with full powers as plenipotentiaries when they sanctioned their appointment and sent them across to negotiate with Lloyd George. Everyone present at that Dáil meeting clearly understood what that meant and no one put the question as clearly and forcibly as the President himself when he said that he himself would face the country on the proposals these delegates brought back from London, that he would take responsibility for putting them himself before the

country. There is a lot of talk about the question of whether the delegates exceeded their instructions. These delegates were in a very difficult position. There is a tide in the affairs of nations as in the affairs of men which when taken at flood time often results in a great advantage to the country.

A MEMBER: It takes you out to sea sometimes.

MR. MacCABE: I say there are some courageous men with minds of their own and I admire them because they have the courage and genius to seize this opportunity, because they secured a number of vital concessions by affixing their names to the Treaty at that moment.

MR. ARTHUR GRIFFITH: Hear, hear.

MR. ART O'CONNOR: Damn your concessions, we want our country.

MR. MacCABE: On the question of whether there was morality or otherwise in following the instructions given to them by the President, as men that we entrusted I think they had a perfect right to affix their signatures even despite the instruction given them by the President. There is a famous occasion on which a British admiral gave instructions to his commander of a second fleet to withdraw from the battle. We know that the admiral of this second fleet, when he saw the signal to retire from the fight, turned his blind eye to the signal and went into the battle and won it and saved the British Empire. These men were in something the same position as this commander of the second fleet and though he acted despite the order of the admiral and contrary to instructions, the commander was right. In the same way history will justify the action of these men in taking the tide, as I call it, at its flood. I will come to the matter of the Treaty. With regard to Mr. Childers' comment on President de Valera's alternative scheme, he spoke about guarantees. I think we have guarantees under this arrangement which are much more substantial than any guarantees under the alternative arrangement. Here are three guarantees I think any of us can accept. One is a British colonial conference. He asked what people were to arbitrate in case of a dispute regarding the reading of the terms of this Treaty. There are three courts of appeal you could have recourse to. One is the British colonial conference which for the sake of their own interests and not to jeopardise their own position will be always on the side of Ireland wherever Ireland's rights are questioned by England. The second is the League of Nations and we have the assurance from Mr. Lloyd George given to Mr. Griffith that Ireland will be admitted to the League of Nations. In any case by her position and status in the British Empire she is entitled to that beyond yea or nay without recommendation from Mr. Lloyd George. Immediately she enters the League of Nations she secures unquestionably international status which will permit of all differences between Ireland and Gt. Britain being referred to an international court. Thirdly, we have the most effective and reliable guarantee of all, and that is the army which is going to take possession of this country when the British forces leave in a month's time. I am not a great admirer of the Treaty but the one thing which has brought conviction to me and has appealed to me is the fact of the Free State of Ireland passing over into the control of the armed forces of the Irish Free State—into the armed forces of Ireland. Mr. Childers referred to the use of one word which I have no doubt about for myself in this Assembly. The word was that when speaking about a peaceful nation he used the word, "Never". I say that a famous Irishman used the words that no one can put bounds to the march of a nation and that word is as true today as ever and as true after this Treaty is signed because nothing we will do will ever retard the advance of Ireland towards the ideal she has set herself to achieve, namely an Irish Republic. I vote for this Treaty but I will be a Republican and will continue to pursue the ideals of a Republic as long as I am in public life. On the question of principle there is another principle which has greatly influenced me in coming to this decision and it is the principle of faithfully representing the views of my constituents. I took great trouble to ascertain those views and I found that they were almost unanimously in favour of ratification. Before this Treaty was signed, before these goods were shown to the country, we might have secured the help and co-operation of the country in fighting it out to a finish. Now that the goods are deli-

vered and that they are good goods under the circumstances I have no doubt whatsoever but that the country would accept them, if they were placed before them, by a majority of ten to one. That is all I have to say about it.

ALDERMAN JOSEPH MacDONAGH: It is mostly in reply to a statement made by the Deputy for Cork, Liam de Róiste, that has compelled me to speak. He stated that at the last public session in August I tried to stipulate that the hands of the Deputies [*recte* delegates] should be tied. I never stipulated anything of the sort. What I did stipulate was that terms of reference should be drawn up for the plenipotentiaries.

MR. McKEON: I should like to ask if these are to be regarded as private members of the Dáil?

PRESIDENT DE VALERA: He is not a minister of the Cabinet but by private members it was intended to distinguish those responsible for policy from other members. Ministers who are not members of the Cabinet should be included in this debate.

MR. McKEON: He said private members' views.

PRESIDENT DE VALERA: We agreed last night on private members and I think Mr. Griffith meant the same thing.

ALDERMAN MacDONAGH: I might point out to the member for Longford that the Minister for Labour has spoken and no objection was raised. It was stated by the member for Cork that I tried to stipulate at the last session in August that the hands of the delegates should be tied. I tried to make no such stipulation. I did say that the terms of reference should be supplied to the plenipotentiaries by the Dáil and in making that stipulation I said there were two questions which were outstanding and which the Dáil would never agree to no matter what the plenipotentiaries brought back, and that these two questions were allegiance and partition. That is what I said. However it was decided unanimously that the terms of reference and instruction—I am open to correction on this—would be given to the plenipotentiaries by the Cabinet—

A VOICE: No.

ALDERMAN MacDONAGH: And I absolutely agreed with that and at the last meeting when the plenipotentiaries were actually appointed I remember a speech made by another Deputy from Cork, Miss MacSwiney, who made it very definite as to what terms of reference the plenipotentiaries were concerned. She stated definitely that they went as representing the Irish Republic and that the status of the Irish Republic should not be interfered with and she asked those who were prepared to compromise to state their views on it, or for ever remain silent, and not one man or woman in the Dáil opened his or her mouth. Mr. de Róiste states that the thing that is going to affect him most is that the British forces will clear out of Ireland. I don't admit that what he states will happen. So long as our harbours are kept by the English, so long will they maintain forces to defend them. They may bring in thousands of troops to the different ports that are mentioned. And he states he does not want Ireland put in the position of Belgium. If he does not I cannot understand what he is thinking about when he says so in view of the fact that in time of war England might utilise such harbour and other facilities as she deems fit in order to protect herself from any foreign foe.

Mr. DE RÓISTE: I didn't say that.

ALDERMAN MacDONAGH: Then it was some other member. I am certain if England requires it under this Treaty she will be able to run trains, take up transport and take up the whole resources of this country, and in every foreign war we will be as much involved as Belgium was in the late war. Mr. MacCabe made one unhappy quotation. He made two, but I will only refer to one. He referred to Nelson putting his blind eye to the telescope. It was a good job it was not the blind eye he put to the microscope which we were told we were to look through for principle. It is extraordinary when a man talks about principle that he should talk about putting a blind eye to the telescope. We want our eyes open to look at this Treaty. You stipulate it would be the blind eye he would look through. Mr. MacCabe tells us he is an uncompromising Republican willing to take the Oath of Allegiance to a

foreign King. That is the most extraordinary statement ever made. He talks about principle and he is talking about being an uncompromising Republican. I think he should follow in the footsteps of another speaker who said that he was an uncompromising opportunist. He also states that no matter what we do Ireland will achieve her independence. It is not by abandoning principle we will achieve our independence. It is not by doing nothing and giving way at the first blast by England that we will achieve anything. We have heard enough talk in the last forty years about Ireland getting her independence by Redmond and people of that sort and we are getting back to the idea to give way, compromise, climb down, abandon principle and leave it to other generations of Irishmen to achieve independence. For the sake of duty everyone should take the Oath of Allegiance to the Irish Republic and you cannot compromise on that by taking another oath with reservations and every honest man and woman should keep an oath and they cannot keep it if they are going to take another. Which are you going to abide by? If you abide by the Treaty, do it honourably or not at all. Don't say that you are going to take one oath and at the same time take another one.

A DEPUTY: What about Hertzog?

ALDERMAN MACDONAGH: I am not worrying about Hertzog. I am worrying about this country. Mr. de Róiste also talks about the Republican Party being split up into two natural divisions. There is no split on the question of principle—it is neither principle nor expediency. Anyone who is a convinced Republican cannot adopt the expedients offered in this Treaty. I am against the ratification of the Treaty.

MR. M. COLLINS: Could not such speeches as that be made more profitably in public? Is there any reason for such speeches in private? I thought they were only going to say things about the Treaty.

THE DEPUTY SPEAKER: I am only following the agenda for this meeting. The third item on the agenda is that private members can express their views on the general situation.

MR. M. COLLINS: I thought we all understood it was the Treaty. I don't see any reason for a speech like that to be made in private and again in public. It is a most important speech for the public session. I should like everyone in Ireland to hear it.

ALDERMAN MACDONAGH: Other members were allowed to state their views on the Treaty. Mr. MacCabe and Mr. de Róiste went into a discussion and I don't see why I should be prevented.

MR. M. COLLINS: I raise the point of order simply. It should have been made before.

MR. DE RÓISTE: I am not conscious that I touched on questions of acceptance or rejection.

MR. JAMES DOLAN: To my mind the question most laboured by Mr. MacDonagh on principle and expediency does not arise on the two treaties that have been put before us in this Dáil. Both of these treaties give away a certain amount of principle. When we appointed our plenipotentiaries at our meeting in September I at least understood what were the terms of reference and what we sent these men to London to do, and I am not going to rise now and turn on them and say they did not carry out the instructions they got. They were sent by this Dáil in connection with the form of association that is the British Empire, to find how best the national interests of Ireland could be served in that association, and I maintain that we made no mistake in the choice of our delegates. They have done their duty nobly and well. I am not in love with all the terms of this Treaty. I don't say that and I am sure it is not what any of us would take if we were free to get a better form, but we must remember what we were up against and what we decided to do. Let us not now be rounding on the men we put into that position because they have done what we sent them to do. Now there is great talk here about the Oath that has been inserted in this Treaty and which the members of the Government of the Free State are asked to take. There is great argument made on this Oath. I will read the Oath in order to refresh the memory of everybody, "I do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established and that I will be faithful to H.M. King

George V, his heirs and successors by law, in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations". To my mind that Oath is no different in substance to the oath suggested by our President when giving his last recommendation to these men going to the council chamber to tussle with the delegates of the British Empire. There is no difference in substance. There may be a difference in words and [*recte* as] we are told by the President here when he first spoke against the ratifications of this Treaty in this Assembly. We are told that the difference was very little, merely a shadow, but that he was prepared to make or break on that shadow. I put it to you, the representatives of the people of this country, are you prepared, as the Minister of Defence has said we will have to do, are you prepared to ask the men and women of Ireland to stand up and fight for—what?—for a shadow? For a quibble of words, I say, not for a principle. There is an oath in any form of association with Ireland and the British Empire—it is agreed by all the spokesmen here and our friends and representatives abroad. The member for one of the Dublin constituencies has said that he was an uncompromising Republican from boyhood and it is a way out for him. This new form of association proposed was a way out for our representative in France. I say it is only a way in for men who are afraid to face the facts as they are now put up to them. In any form of association that Ireland is connected with the British Empire it is agreed by this section that the King would be recognised as the head of it. To make it light some of them said he would be a king or chairman, but in any case they recognise that he is the head of it and the king of it. They also make light of that point. But in any association Ireland is there and I am sure that the representatives of this country and the men and women of this country will still be loyal to the Irish Constitution. They will be faithful. They have sworn allegiance to the Irish Constitution. If we are faithful to the Irish Constitution by our oaths and if Ireland is associated in any way with the British Empire, or with any association in the Commonwealth, are not the people of Ireland committed to that Constitution and to the head of it? The country is as much committed in any association put before us in this Treaty and I say that the men who worded or secured the wording of this Treaty in difficult debates and negotiations are worthy of the trust we placed in them. I say more. They interpreted the instructions they got from the Cabinet as published for us in these reports. In plain reading these reports will say that they got a mandate from the Cabinet to accept what they have accepted. As I said at the start I don't like this Treaty and if we had conquered England I would not accept it, but we must recognise the fact that we have not yet beaten England to the ropes and we were all agreed that we would enter into association with England and I maintain that the association proposed to us in this Treaty is an honourable association for us to accept. There are many points I should like to make but perhaps they would be best left unsaid to the public session. A few of them might not be out of place now in reminding the members that the difference between the signed Treaty and the proposed treaty is very little. But the main fact is that one Treaty is signed by the representatives of the British Government and the other will not be signed I believe until the blood of the men and women of Ireland runs red again. Now, we have been speaking of the Constitution of Ireland and what limitations would be put on it or what construction would be put on it by what is the constitutional usage. Like the Minister of Finance I am satisfied to leave the interpretation of these constitutional words to be solved by the high constitutional lawyers and to accept what is the plain meaning of them as a fact which has been said by one of the opponents of this Treaty. Mr. Erskine Childers in a very laboured statement took this point as a strong point against the ratification of the Treaty, but he was fair enough to point out that altho' constitutional law might be one thing fact and act and what happens every day in regard to Canada was possible and must happen in reference to the Irish Constitution that we are getting by the terms of this Treaty. Constitutional usage then is a term that will apply I say in the interests of Ireland and the acceptance of this Treaty does not make the ideal of a Republic impossible, but I say the acceptance of this Treaty makes it more possible than the rejection of it. We will have freedom to establish here a Gaelic

state. We can build up on the traditions of the past within this Constitution which is now offered to us by our plenipotentiaries. We can build up from within on this good and sound structure, and in the framing of our constitutional law within the terms of this Treaty there is nothing to prevent us from becoming an isolated Republic even within the association of the British Empire.

MRS. O'CALLAGHAN: I may be under a wrong impression and there are certain points I should like to have cleared up for my benefit. Am I in order? I want a point cleared up. This morning we heard a great deal about oaths, but to my mind the oath that matters to us is the Oath in the Treaty. That Oath says that we swear allegiance to the Irish Free State and an Oath to be faithful to King George in virtue of our common citizenship of Great Britain and membership of the British Commonwealth group.

MR. KEVIN O'HIGGINS: It is not that we swear it but that members of the Free State swear it.

MRS. O'CALLAGHAN: It is for information I am looking. I am not going to say what I will do tomorrow but I will be quite clear. I understand that that Oath of Allegiance to the Free State was the oath of subjects that we would take in honour of the Free State except that it was an oath of fidelity in virtue of common citizenship to the head of the Government. I find that Mr. Lloyd George in his speech on Wednesday says that under the Treaty he has secured an Oath of Allegiance to the British King and the British Empire. I want to know what to do about it. Mr. Churchill says the same. How are we to interpret article 4?

DR. FERRAN: Refer it to a constitutional lawyer as to our position under the Treaty and the application of the Oath. It is a reasonable suggestion. We are not lawyers.

MR. J. J. WALSH: Before consulting any external lawyer we might do the common courtesy to our own lawyers who have been intimately associated with us and who will discuss it in all the details. There were two of them associated with us and they will be kind enough to consider the question.

MR. GRIFFITH: The constitutional lawyers associated with the plenipotentiaries were Mr. John O'Byrne, Mr. Nolan Whelan and Professor Murnaghan. They are the constitutional lawyers.

MR. ML. HAYES: Professor Murnaghan was quoted as one. He explained to me that point Mrs. O'Callaghan raised.

MR. M. COLLINS: I think Mr. Duggan took a legal opinion from him on it. He could give the opinion.

MR. E. DUGGAN: I did. It was my own opinion also. Members of Parliament are required to swear an Oath of Allegiance to the Constitution of the Irish Free State. This is the one thing absolutely clear about the Oath. They then say they will be faithful to the King and his successors, not absolutely and unconditionally, but by virtue of the common citizenship of Ireland with Gt. Britain and her adherence to the group of nations forming the British Commonwealth. That is the legal interpretation. It is the opinion of one of the lawyers working with us in connection with the delegation.

MR. AUSTIN STACK: Professor Murnaghan is the man who refused to take a brief for our side in connection with the proceedings which we intended to take to challenge the legality, according to British law, of martial law. I have taken the opinion of Mr. Arthur Clery on the Oath. He is a man whose nationality cannot be questioned and whose bravery cannot be questioned because he has acted as one of our judges from the commencement. His opinion was to the effect that this Oath was at least as binding in allegiance to the English King as the simple oath that is taken by the members of Parliament at the present day.

DR. FERRAN: I have taken Mr. Crowley's opinion on it.

MR. AUSTIN STACK: And here is the opinion of Mr. Winston Churchill.

MR. GRIFFITH: There is a personal reference [by] the Minister of Home Affairs to a member of the committee and in contrast with him he has put up the opinion of another gentleman. Is it the fact that the other gentleman who has taken

that oath of allegiance to the Republic as a judge of our High Court, as a matter of fact has practised in the English courts and signed by virtue of the King's writ?

MR. STACK: Certainly the same as any lawyer—the same as Mr. Duggan every time he issues a writ.

MR. GRIFFITH: Mr. Duggan has not been appointed a supreme judge of the court of the Republic.

MR. STACK: And Mr. Duggan is one of our delegates and issues the writ of King George every day.

MR. DOLAN: I have had an opinion on this Oath too.

MR. M. COLLINS: If we are going into public session at eleven o'clock in the morning some of us will not be here for the evening session. I for one cannot be here. There will I suppose be pretty heavy responsibility on a few of us tomorrow and I don't know whether it would not be better to adjourn now until eleven o'clock tomorrow.

THE DEPUTY SPEAKER: There are several speakers—a fairly long list of Deputies who have expressed a desire to speak.

MR. M. COLLINS: I have not heard a single word this afternoon that might not be said more profitably at a public session.

MR. CATHAL BRUGHA: It is a matter you need not decide here now. If you intend not to come back this evening you had better give a decision on this, whether all the documents that have been placed at the disposal of the delegates have been properly digested in order that some opinions may be based on them. I think it would be very much better to postpone the public sitting until Monday and give everyone plenty of time. The decision is so vital to this nation that everyone must have all the information available and plenty of time to consider it before he makes up his mind what he is going to do.

MISS MACSWINEY: The public have been kept waiting already a very long time, and even if we have to stay until midnight or two o'clock in the morning I don't think it is fair to keep the country on tenterhooks any longer.

MR. BRENNAN: The country is going mad about the secret business. We are absolutely fed up.

MISS MACSWINEY: When we speak we can keep as clear as possible from anything that can be discussed in public tomorrow and we can get over the difficulty in a couple of hours.

MR. M. COLLINS: I have no objection to postpone the public session until Monday.

The meeting adjourned at 6.20 p.m. for tea.

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On resuming THE DEPUTY SPEAKER, BRIAN O'HIGGINS, took the Chair at 7.30 p.m. and said: There are several names on the list of speakers, of people, of Deputies, who wish to speak this evening if we are not to continue in private session tomorrow. I would again ask those Deputies who are about to speak to be as brief as possible. I asked that before and it could be done by some of them with very great benefit. I hope what I am saying will have some good effect now.

MR. CATHAL BRUGHA: I suggest that we should discuss now whether we could have a public session tomorrow or postpone it until Monday.

THE DEPUTY SPEAKER: I now call on the Teachta for Luimneach—M. P. Collivet.

MR. ROBINSON: I wish to make an explanation. This morning the Chairman spoke of a bill which was posted at the door. Nobody down here could tell exactly what he said. However to clear the matter I want to say that I put that bill there and if I put it at the wrong side of the door I am sorry.

MR. E. J. DUGGAN: I think this is a matter that is urgent. Within the past three days there have been six members of the British Crown forces shot in different parts of the country. Two of these were

killed—a British officer was shot at Ballybunion; on the 14th an R.I.C. sergeant was shot dead and a constable wounded near Kilmallock. That thing is spreading and reprisals will ensue and if we adjourn over the weekend I think you will agree that some action should be taken on the matter by our Government. The Castle authorities have written:

> "Sir,
>
> The circumstances which in the opinion of His Majesty's Government made [the] issue by them of an official statement immediately after they learned of the bomb outrage at Thurles on the 9th instant apply with equal force to the two cases of deliberate murder which have occurred in the last three days at Ballybunion and Kilmallock. I have, therefore, to urge upon you the necessity for a widely published statement of repudiation by official Sinn Féin of these crimes, which are, you will agree, atrocious breaches of truce if the perpetrators are members of your forces.
>
> I must warn you that the frame of mind of police who see these men with whom they were 'at war' a few months ago walking openly, protected by the Truce, while they themselves feel that they are not immune from attack and assassination is a source of growing anxiety, and I have to press upon you consideration of the view that the statement for which I ask would be not only a clear warning to the men who are taking upon themselves the responsibility for such acts of violence, but would have to some extent a calming effect upon the police.
>
> I am, Sir
> Your obedient servant
> MARK STRUPIN [*Recte* STURGES]"

Continuing Mr. Duggan said, I would be glad if that matter should be discussed. I certainly think some statement should be issued in the press which would steady the country during the few days we are discussing this matter here.

MR. M. P. COLLIVET: I propose that tomorrow's session be private and that tonight the President and members of the Cabinet issue a statement to the press pointing out that as we waited for seven centuries that we can wait for a few days longer. That will enable the public to understand the situation and it will have a great calming effect on them. They will be prepared to wait over until Tuesday or Wednesday.

MR. LIAM DE RÓISTE: That was just what I had in view when I spoke a while ago.

MR. MILROY: You must have these things separate. The question of issuing a statement is a distinctly different thing as to whether you will adjourn the public session over tomorrow and continue on in private session.

MR. COLLIVET: I am willing to omit from my motion reference to the private session. Let the manifesto stand.

MR. DUGGAN: I would like to hear some persons' views on the matter and then perhaps one or two can be appointed to draw up a statement on the matter—say Mr. Stack, Minister for Home Affairs.

MR. AUSTIN STACK: I would be willing.

PRESIDENT DE VALERA: The proper thing is to issue a statement through the press that if any member of our forces is found guilty of any acts of violence they will have to be dealt with by the Republican Government—any members responsible for acts of violence will have to be dealt with.

MR. SEÁN T. Ó CEALLAIGH: I think now that the Cabinet should be got together to deal with this matter. If in the opinion of the chief liaison officer any of our forces have been guilty of them, or even if they have not, there is a state of unrest that is perhaps likely to grow if there is no statement from the Cabinet. I think the Cabinet ought get together and draw up a statement which could be issued in the name of a united Cabinet. I don't know whether the motion for a private session tomorrow is before you—

THE DEPUTY SPEAKER: Not yet.

MR. SEÁN T. Ó CEALLAIGH: I would

urge upon the Cabinet to consider this. I think the suggestion should go from Dáil to the Cabinet.

MR. CATHAL BRUGHA: I think the obvious thing is for the Cabinet to meet and deal with the question. That's the wish of the House.

THE DEPUTY SPEAKER: This is the motion moved by Deputy Collivet: "That tomorrow's session beginning at 11 a.m. be private and that tonight the President and the chairman of the plenipotentiaries issue to the press a joint manifesto over their names calling for calmness and patience and pointing out that as we have waited for seven centuries we can wait a few days now."

MR. MILROY: I think it was agreed to that the matter of the breach of the Truce should not be put with that.

THE DEPUTY SPEAKER: No, no. It's an appeal to the people and to the country for calmness and patience.

MR. MILROY: I don't think we should suggest the precise phraseology of it.

MR. BÉASLAÍ: It seems to me that the question of the breach of the Truce and the private session in the morning are two separate things which should be taken separately.

THE DEPUTY SPEAKER: We take the first part of this motion that tomorrow's session beginning at 11 a.m. be private.

MR. S. T. Ó CEALLAIGH: I would like to urge that the private session be continued for another day. There are a number of people who haven't spoken yet and who wish to speak.

THE DEPUTY SPEAKER: We must wait until it is moved as a motion.

MR. COLLIVET: I move the first motion separately that tomorrow's session begin at 11 a.m. and be private.

MR. MILROY: I am not convinced of the wisdom of deferring the public session but I am not going to move an amendment. When do you propose to have the public session? Perhaps tomorrow we may have discussions that could be taken at the public session. There are other matters that we should discuss in private. But we may go on in this way indefinitely.

A DEPUTY: There is no hurry.

MR. MILROY: There is considerable hurry. What has occurred—what has been referred to by the Deputy for Meath—indicates that there is a grave urgency for a definite decision upon this very serious matter. And I think we should have, before that is passed, some indication of the time, some date mentioned, when the public session will begin and that there will be no further question of deferring to a later date the public session. If the public session is deferred after this week and no Deputy here, no member of the Dáil, will avail of any functions that may intervene between now and the public session to make any public pronouncement.

MR. M. COLLINS: I suggest that we ought make tomorrow's private session the last private session because it is having a demoralising effect upon ourselves. It is bad for our proceedings to be closed to the press and public and I think the public deserves some consideration. I think we ought have a definite understanding that tomorrow's private session be the last or that at least Monday morning's be quite definitely the last private session.

MR. S. T. Ó CEALLAIGH: One particular reason I would like it not to be public for tomorrow, Saturday, is from the point of view of the public and press not the best day to start a public session which will probably not finish in one day, and Saturday evening from the point of view of the public and press is the least convenient day for a public session. I would earnestly suggest that we adopt the suggestion of the Minister for Finance that it be definitely fixed now—that the public session be opened at 11 o'clock on Monday morning.

MR. ETCHINGHAM: I want to say the English Parliament have adjourned until Monday and they don't say what they are going to do. I suppose they are waiting on us and we are rushing this. We are doing good work here I believe (laughter). Well

now, this is not a trifling matter. I have said here before this evening it is a momentous thing for our country and we should not rush it. We should not take it lightly. I think the vast majority of us, myself included, are not capable of taking up the Treaty and discussing it as was Mr. Childers and I have heard men who were in favour of it say they didn't understand the Treaty until they heard him. That's no reproach to them. We are elected here because we stood for an ideal. I don't believe that we should rush this thing. We should not bind ourselves to any particular time. At least if we adjourn until morning we should not fix any particular time. There is no reason why we should hurry.

MR. M. COLLINS: There is. There are serious reasons.

MR. ETCHINGHAM: If this thing is issued to the country tonight—I mean this statement to be issued in the name of a united Cabinet—

MR. P. BRENNAN: The country knows there is no united Cabinet.

MR. ETCHINGHAM: They will not think so when they see this manifesto issued under the names of President de Valera and Mr. Griffith. I say adjourn the public session. Don't rush it.

MR. M. COLLINS: Again it was said to me yesterday that I wanted to rush it. Let us talk about this thing in public for the next ten years if we like, but let us talk in public.

MR. P. O'KEEFFE: I suggest our plenipotentiaries should be taken out of the dock. They are there long enough now —four days.

MR. GRIFFITH: I certainly would not be for postponing the public session beyond Monday. I know by the indications I get from the last telegrams from the country how uneasy the people are, and the English Parliament is meeting in public and we can't justify meeting in private. I am in favour of having it on Monday in public. I don't think we should go beyond that in private.

MR. CATHAL BRUGHA: I agree entirely with that. The main thing is that everyone should understand everything that is worth understanding about this question before he or she makes up his or her mind. A committee was appointed to select vital documents. Those documents are now in your hands. I realise that you could not digest those documents and be certain of coming to a proper conclusion if we had a public session tomorrow because we would not have time to do it. During the last half hour I found people down at tea who didn't understand what this Treaty means. Nevertheless you will have plenty of time between now and Monday to make up your minds.

MISS MACSWINEY: In view of the very strict orders that were given to us about these documents I would like to suggest to you and the Deputies that, as it is not very late, we might read those documents very carefully before we leave this hall tonight. Because it is a serious thing for over 100 people to take away private documents, personally I should suggest to read them for an hour and then give them up before we leave the hall tonight.

MR. M. COLLINS: I propose that the session adjourns now.

THE DEPUTY SPEAKER: The mover and seconder are willing to let the motion go in the form, "That tomorrow's session be private and that the public session start on Monday at 11 a.m."

MR. GAVAN DUFFY: Have an agenda drawn up tomorrow.

PROFESSOR HAYES: The only speech that was made here this evening was not a speech for or against the Treaty. Is it possible to keep to our resolution without discussing the ratification of the Treaty? But practically all that was said here this evening could be said in public session for or against the Treaty. And therefore if we make the rule that speeches for or against cannot be made tomorrow we can get business done. I suggest one important thing that we can discuss—namely what is going to happen in this Assembly when you have taken the vote? Consider the two things and make up your minds. Many members of the Dáil have not come to any conclusion as to what they are to do in the event of a certain vote. Now, the Minister

for Finance has stated that if he is beaten he will loyally support the Government and he has said that if they will go to war he will fight. I presume—

MR. M. COLLINS: That is not fair comment.

PROFESSOR HAYES: What I want to point out is this—the Minister for Finance is definitely committed to certain action if he is beaten. If he wins a different situation will arise and it will be very important for members of the Dáil to know what action is to be taken. And I don't know whether it is possible for us to come to any conclusion. In my consideration of this whole question of the Treaty this is a matter of grave concern. In either case you have disorder—in the one case war, in the other chaos. If the Treaty is ratified what are the people who are against the Treaty going to do—what action do they intend to take? It would be a great calamity if the President, whom we all know and for whose ability we have such regard, took certain lines of action which are obvious—to retire altogether and leave the Government to do what they like themselves—and if everybody who thinks with him did the same thing we all agree that it would be a disaster, a very serious thing, and I don't suggest to any man what he might do. It would be better before we go into public session to have some idea as to what is going to happen rather than we should have a prolonged debate in public session before taking a decision on it. It might be necessary, for example, for some men in this House who hold high rank in the army to be at home the time the decision is taken—in the one instance to be home to prepare for war, and on the other hand to see that their men observe discipline. They are all much more important questions in private session than the debate on the Treaty and I suggest that we devote our time to these questions. It grieves me to see these differences. I know men on the two sides of this question a long time and I would consider it a grave disaster to lose any of them and therefore I would like to know whether it is possible for us to come to an agreement.

THE PRESIDENT: If I might from our side state—I am against it definitely. I am absolutely against the ratification of the Treaty. It is necessary for me in order to defend the position I take up to say what I would suggest to do. If the whole fate of the nation was in my single will I would vote against the Treaty and reject it on the basis—I do this now to explain my further attitude. I would reject the Treaty, demonstrate to the world that this little nation was going to stand for liberty in this particular respect, that it had a right to live its own life, that we didn't go into negotiations without having a purpose and that we honestly intended to make peace with them. And I would put forward—mind you—that document. I would never sign that Treaty. I expect you would have to break. And I was prepared personally to run the risk of breaking in order to see when they publish their document we would publish this. A lot of delegates were saying here today there was no difference between the Treaty and this document. Now remember, this was what our delegates would have tried to have got and they couldn't. And they took their own document only because they didn't have material backing in the way of armies to back up their will. Therefore let nobody say that this document which I substitute here is a document which is inferior to the other document. And their only excuse for not bringing a document like that is that the others (English plenipotentiaries) would not accept it. The only difference between us—I would take the risk of war and break. And my countermove would be to publish the whole matter. It would not split the country and I would have an answer to offer—a document like this—and I would tell the world, "Here is a basis for a lasting treaty, here is association with the British Empire which is compatible with Irish aspirations."

The delegates' judgment was that war would ensue. I hold my own judgment and believe that with such a countermove war would not ensue. If I had at this moment and if it depended on my will and mine only, I would say so and I would reject the Treaty and make a magnificent demonstration all over the world of a little nation with all the power against it being able to say, "We will not do this". And I would say, "Here there is a thing which we can do". If I could induce the Dáil to do a thing like that I would. There is no likelihood that I can. I would say, "Reject the Treaty". For a flat rejection would be dangerous but here you could not go to London—there would be no further ques-

tion of plenipotentiaries or anything else. Here is a definite thing which the nation's representatives will stand over. It is not a politician's peace. No politician in England would stand by them. Because they would have the same difficulty in legally ratifying this proposed Treaty that I hold our delegates have in ratifying it here constitutionally. It would not be a politician's peace but a peoples' peace. Now the other alternatives. Suppose the Treaty is ratified we have the position in this House. As far as I have personally considered the first position—all who would wish to have this Government established—I would have no interest in continuing in public life. In fine I am willing to serve in any position in which I would be of any use (applause). I regard this House as the sovereign Government of this nation. I regard the majority of the House as determining the will of the House and I say that every true Irishman [is] in bounden duty bound to obey the majority of this House whatever way it goes as the Government of the nation until the Government is disestablished. The Republic will not be disestablished until it is disestablished by the will of the people and if this thing is ratified it would be an outrageous thing. I would not take that Oath if I could help it. We talk of all this in private session. It is obvious that that is not something to go outside. I at least—this is what my idea is—we have got to the bridge and I knew for long just that we had to pass that bridge before we got to the goal of an independent isolated Republic. I hold, as far as isolation and association is concerned, I suppose isolation is the ideal thing, but I don't see myself any tremendous objection to association. If you have a certain weakness you have a certain strength. They balance each other. I am not particularly keen whether it is isolation or association. Now before we cross the bridge, we could all come together to that bridge. The only use I consider myself is that I had helped to bring the two forces together up to that bridge. And now we are at the bridge and my determination is that, whatever way we go, England is not going to force us back. Therefore I will act all the time in accordance with that. There is only one thing and I hope you will not consider it a personal matter though it might seem so. I hold in myself two offices. In my own person I combine two offices—one is President of this Assembly. And I have been by courtesy anyhow and I don't know whether it is legal—I am also President of the Republic. Now it is obvious that if Mr. Griffith—if the Treaty is ratified—and, if Mr. Griffith is allowed to govern it is obvious that he could not very well be called President of the Republic. He could be Prime Minister here. My point is this that there are dangers. There may be tricks played by the other side. I want to say that we are here in reserve. I know that most of you will vote for the ratification of the Treaty. You are voting for it because you don't mean to obey it. I could not do that. I don't think that is the right thing to do, I am dead against it. My conscience is against it. I don't think these methods ever succeed in the end. On the other hand I am standing on the other principle on which I believe it will succeed. I am against it because I fear that it won't but I assume that most of you take that because it is a Treaty it will be forced upon you under duress. I have taken the oath. You don't intend or wish that the nation would abide by it. You believe that it is forced upon you by force and that it is not binding upon you. You have a bird in the hand for the first time and the difference between your Treaty and mine is a bird in the hand. I have even said before that birds that were in the hand were better than in the bush. And it is not quite in the hand yet, it is only in the shell. So will you please remember now that there are dangers in the way. You have only one ground to fight upon and that is a Republic. You will never get the nation to fight for anything else. Therefore I want, until the Republic is disestablished by the people of Ireland, I want to see that there shall be some real ground in which we can all unite again to fight for the Republic and win. In three or four or five years one acquires a reputation. It is often through mythical grounds a person gets a reputation. Sometimes they are acquired and they are as valuable to the people as if he deserved it. I believe I have got a certain reputation. I don't deserve it. I don't know that I do. But the reputation for honesty, I want to preserve that for the benefit of the nation until such time—and I hope that all of you who vote for the Treaty will be knocked out and beaten at the first election—and I want at least to preserve that reputation and the value I might be to the nation and

the Republic in the position I have, and I believe that I would be able to rally the men and say that we would not be driven back across the bridge. I have always felt, far from making a split, I have taken the only action that is consistent with the nation's safety. Even though my opinions were not what they are I consider that it would be a lasting disgrace for all time that the man who is put in the position as I was of the first Irish citizen would stoop for a moment to be anything less than what he is—anything less than President. It is the most glorious title that any man could have. I would not give it for all the world of honour. But suppose I was a pure opportunist—I mean an opportunist for the nation—I would take the stand I am taking, and very far from running the nation into danger I am doing the best thing to safeguard the nation. I am sure that everybody here is able to stand as I am standing and say that he will [*sic*] by the majority of this House—this is the Government of the nation. There is no other way. We will be simply a divided, helpless, useless people except we make up our mind that there is a sovereign authority—that is what I mean when I state there is a constitutional way of settling our political differences. It can be settled here and settled for the nation. And therefore, if it goes the other way to make those who think like me take that course I will—but further everyone in this House is entitled to their own line of action. I have also other things that can be done in that connection. These things have to be kept locked in my own mind. I have taken one alternative to united ratification of the Treaty—non-ratification of the Treaty—which is the ideal one to my mind. If you don't ratify we will make this proposal—it is this we will watch and try what will happen next. If they make war I know all that involves. I know our comparative weakness with respect to the enemy. We had that weakness before. If I was in prison and could go and have my freedom as a ticket-of-leave man I would rather sit inside and die in prison than give my parole which would bind me on my own word of honour to stay there.

DR. MACCARTAN: I think we have advanced a great deal since we came from tea. I think we should continue that advance. There is a different spirit on both sides of the House and the President said that we should not be forced across the bridge. And I think we should use the private session tomorrow and see how we could get across the bridge unitedly. Personally I am not inclined to vote for it but if this House asked me to vote publicly for the Treaty I would swallow my opinions in the interests of the nation. The suggestion is that we take up President de Valera's proposal tomorrow. I think it would be a great advantage if it were unanimously accepted. But if not I have no faith in it at all. On the other hand I think that the men who signed the Treaty in London would welcome here a large minority against the Treaty. I feel if we were to act in the same spirit as heretofore we would see what the minority is and, if it is not enough, that we would take a bit from the majority and increase that minority for the sake of our national and international standing in the future. I think, if we went in that friendly spirit tomorrow and took stock as it were, that we could face the future unitedly and without any harshness to the other side and I think, under circumstances like that, the President and Michael Collins and Mr. Griffith could work together as in the past. I would like to develop that suggestion much more. I would like to work it out longer in the morning.

MR. COLLIVET: Is the issue of the joint manifesto agreed to?

Here President de Valera rising to leave said, I must beg leave to go.

THE DEPUTY SPEAKER: I think there is no necessity now for the second part of that motion.

MR. COLLIVET: I take it that the Cabinet will do that.

THE DEPUTY SPEAKER: The Whips inform me that there is still a list of speakers who are anxious to speak (Cries of Tomorrow).

MR. M. COLLINS: The Deputy from Cork made the suggestion that if the House stood adjourned the Deputies would remain to read these documents (submitted by the Committee). Some of us have seen too much of these damned documents and we don't want to see them again. In my opinion they ought not be

taken away. The danger would be too great. It is not that I mind a bit these documents being published. We were at any rate binding the honour of the nation not to publish them. That is the only point of view I have been speaking on with regard to these documents.

THE DEPUTY SPEAKER: I think it would be a very unwise thing to take these documents out of the House.

MR. LIAM DE RÓISTE: Are we to presume that the matter raised by Deputy Duggan will come up at the private session tomorrow?

THE DEPUTY SPEAKER: It is being dealt with at present by the Cabinet.

MR. LIAM T. COSGRAVE: Before the House adjourns, as I didn't speak today I have a suggestion to make. I understand there is a practice in vogue in America that the members of the Senate or Congress hand in their speeches and whoever wishes to read them can read them. Have we any chance of getting that done here so as to save some time? (laughter).

PROFESSOR HAYES: It should be made absolutely clear that if this House adjourns and people who want to read these documents should leave them here after them, the result is achieved so far as the Committee is concerned.

MR. CATHAL BRUGHA: Not so far as the country is concerned. Let them read them now and sleep on them.

THE DEPUTY SPEAKER: There is a motion for the adjournment of the House before us. It has been moved and seconded.

The motion was agreed to and the House adjourned at 8.50 p.m.

# DAIL ÉIREANN

Private Session

Saturday, December 17th, 1921

The Acting Speaker[1] took the Chair at 11.45 a.m.

MR. CATHAL BRUGHA: Sir, before we begin the work of the day I wish to make a statement. Now the atmosphere was well cleared last night (Hear, hear). It would be most disastrous that there would be any tense feeling again especially when the public session comes (Hear, hear). Now there is one way that this tense feeling could be recreated and that is by our Ceann Comhairle not giving fair play to everybody. Now yesterday—first by the way, two days ago you, Sir, acted in a just and dignified manner when you left the Chair and you had something to say and you spoke from the same level as everyone of us here. That was a proper action for the Ceann Comhairle. Just when we were concluding the proceedings yesterday before the interval you made what I cannot describe any other way than as a partisan harangue. I wish now to get an undertaking from you that this will not be repeated, otherwise I will object to your occupying that Chair during the proceedings here today or on Monday.

THE SPEAKER: It was my intention before the Minister for Defence rose to speak and before I would call on any one to speak, to make a statement with regard to the statement which I made here from the Chair yesterday. Several of the most respected members of this Assembly have also said to me that the statement I made from the Chair was a partisan statement. Now I assure you, everyone of you, that if it was a partisan statement—and I do not contradict the interpretation that has been sincerely placed upon it—it certainly was not so in my interest (Hear, hear). And I can say plainly when the representation was made to me that the concluding portion of my statement could be held as bringing in a matter of argument on one particular side with regard to the course of the discussion which took place, I admit that and I apologise to the Dáil for it (Hear, hear). In making that apology I hope you will all recognise it was not my interest to make a partisan statement. However strangely [*recte* strongly] I may feel in matters, whereas it has been my duty to be Chairman—and it has been in many assemblies of different kinds—I think it is the first time it has been my misfortune to be seriously supposed to have acted unfairly towards any side. I have most scrupulously tried to be fair to every individual in the Dáil (Hear, hear). That will be my endeavour. When I say that, I say it not because of any anxiety that I have to bear this responsibility. I have no such anxiety. I am here as the servant of the Dáil doing a duty because it devolves on me to do it. It is an honourable duty—a duty anyone has a right to be proud of and at the same time a duty I suppose, considering the weight of it, any member of the Assembly would be glad to be relieved of. If there is anything that remains for me to say, if what I have said has not satisfied the members of the Dáil, first of all my regret for having said anything which could possibly bear the imputation of partiality and secondly my sincere desire to conduct the affairs of this Assembly with impartiality, if anything can be suggested that remains for me to say in order to satisfy you on that point I will say it (applause).

PROFESSOR W. F. STOCKLEY: May I say I certainly have not anything to suggest further and as a colleague of Professor MacNeill—I have the honour to

[1]It is not clear that this was the Deputy Speaker.

be representing the University—I do not know whether I am in a minority of one on the matter but I can honestly say I did not think yesterday that there was any partiality in the statement made and I will further confess I do not understand it now. I do not know if I am in a minority of one —whether everybody else did think otherwise or not. At least the impression on the one private member was that there was no partiality.

THE SPEAKER: I am afraid we cannot make it the subject of the discussion.

MR. CATHAL BRUGHA: I am fully satisfied on the matter (applause).

MR. SEÁN ETCHINGHAM: There is a matter of urgency. May I ask that the public session on Monday be held in the Round Room of Mansion House? The Aonach will close tonight and the room could be arranged. I am looking at an English paper. It is their idea to get us into factions and they say the Dáil does not like publicity. Being out against the Treaty I am not following any particular man in it. I am following a principle. But I would like to have a public session held so that the people could hear it. There are matters discussed here which I am sure every member from the President or the Leader of the House down would like to be in public. We had a good feeling here last night and I will not say anything to affect it. We do not want to disrupt that feeling. I think we could have the public session held in the Mansion House; tickets could be issued to the public. The room can be cleared tomorrow.

MR. KEVIN O'HIGGINS: I am in total disagreement with the views of the last speaker.

THE SPEAKER: This point has been raised. It is really a matter for those who have charge of the arrangement of the agenda. We will take the agenda now before us in its proper course.

MR. F. FAHY: I sent in on the day before yesterday a notice to the effect that I wanted to ask questions. The most important one perhaps dealt with the probable action of the minority whatever way the Treaty would go. That has been answered already. It was answered yesterday afternoon. Another question I wished to ask was, have we not been a government, a Republican Government, for two years? If we had not been was the action of our army in dealing with the spies and other enemies of the country illegal? If we have been a government, a Republican Government, have we the power to abrogate now—do away with our powers and consider the rejection or sanctioning of the Treaty? Is it in our power? It is a question I would like some legal opinion on. Another thing I wanted to ask for was a definite statement from those conversant with the position of the army as to how long they think the army can hold out in the event of a war that might be waged in certain contingencies. I do not refer to such war as the war in this country for the last two years but to regular warfare in an intensified form. Now I just want to refer to a matter that perhaps many would consider to be fully discussed yesterday—the essential difference between the draft Treaty now before us for consideration and the alternative suggested by the President. The essential difference strikes me as that in one we were British subjects and in the other we are not. I maintain there is that difference in the Oath apart altogether from the matters of defence and the infringement of our rights by holding our harbours and the permission to England to use all the resources of the country in the matter of rail transit and other resources in case of war. I just want to get information on those points particularly as to the probable result if this Treaty is to be rejected. Is it likely there will be immediate war? If so what steps will be taken? It will affect every member of the House equally and we want to make quite sure that those responsible for the defences of the country at least would be away from the House in time to see to those defences of the country as far as is humanly possible. Remember it will be an open debate and information as to how the voting goes will be in Dublin Castle within a few minutes or seconds after the vote is taken. We do not know what action the enemy will take and I want certain steps taken so that those responsible for defences will be able to get to their posts or to get away from the enemy in time to make arrangements. There is another point and that is that some members have drawn to my notice an article in the *Daily Mail* which reviews practically everything that

happened here yesterday. There is someone certainly giving information from Dáil Éireann to the British press. It is a very serious matter and attention should be drawn to it.

MR. DESMOND FITZGERALD: Press men were out in the lobby during the last few days. I have asked the members I have seen talking to them to be careful about what they say. Last night I gave orders to the police not to allow the pressmen beyond the lower hall. When pressmen are walking about they cannot but overhear what is being said.

MR. F. FAHY: I should like to get an answer to my question.

THE SPEAKER: The difficulty is you have not addressed them to anyone in particular.

MR. F. FAHY: I do not know who is responsible. There are members of the House more intimate with the army affairs than I am. Of course the Minister of Defence is permanently responsible. Then whoever is the legal adviser, or whoever will speak for him, could give an answer to the question of what our powers are, or if it is all a matter for the people who are elected here.

MR. CATHAL BRUGHA: Will the Deputy kindly repeat the first question?

MR. F. FAHY: One question was—how long in the opinion of those responsible for defences would our army hold against the British army in the case of regular warfare being waged in certain contingencies upon us?

MR. CATHAL BRUGHA: That question is a bit too indefinite. I do not know what you mean by certain contingencies.

MR. F. FAHY: Regular warfare such as was waged in the war with Germany.

MR. CATHAL BRUGHA: That is that she pours all her available resources into Ireland?

MR. F. FAHY: I presume so. I may be wrong. I am asking for information on the matter. At least the members have asked me to put that question. I do not know whether they themselves are too shy to put it or not.

MR. CATHAL BRUGHA: At a moment's notice I would not take it on myself to answer that question definitely. I may, if you think it necessary for me to do so, later on give a more definite reply but just now what I do say is this. We are in a very much better position (militarily) than we were when the Truce started. Before the Truce started none of us that I know of had any intention of giving up. We are in an indefinitely better position from the military point of view. Now I take it, that being so, if the demand we have been making all along be not conceded when it is reaffirmed here, that nobody has any intention of giving in now seeing that we are very much better off militarily than we have ever been before. That is the reply I have to make just now. If necessary I might give a more definite one, but I may tell you a military man such as the Deputy who has asked the question, because he has done his own share in the field, must realise that an answer to a question like that could not be given with an absolute certainty of its being correct.

COUNTESS MARKIEVICZ: The last speaker used the expression, "war in an intensified form". Does he imagine any intensified form worse than what we went through that could be possibly be forced in Ireland? Nothing could be more intensified than the warfare they waged. They wanted to beat us and it put the full forces they could command against us. What is suggested in that remark, "intensified warfare" or "war in an intensified form", I cannot see. There is nothing in it at all.

MR. PATRICK BRENNAN: I claim to reply to the Minister of Defence.

THE SPEAKER: There will be an opportunity for general discussion, this is only an answer to a question.

MR. P. BRENNAN: But a false impression should not be allowed to spread.

THE SPEAKER: You must speak to the Whips if you wish to take part in the discussion.

MR. F. FAHY: I had another question to ask. It is this very important question. Will the army of Ireland abide faithfully by the decision of the majority of this House? Is that the opinion of the leaders of the army and the Goverment?

PRESIDENT DE VALERA: Speaking for my own position I say if we do not here agree that this Assembly (the Dáil) is the Government of Ireland and the army is under control of the Government the sooner we let the other people govern us the better.

MR. CATHAL BRUGHA: So far as I am concerned as long as I hold the position which I hold at present I will guarantee that discipline, so far as I can maintain it, will be maintained in the army. But I may say, naturally if this Treaty is ratified I am no longer Minister of Defence and am not responsible for the army.

MR. P. O'KEEFFE: Arising out of the remark of the President I think the situation is very serious. Our plenipotentiaries came back from London and they put—

THE SPEAKER: The same rule applies in the case as in previous cases. All will be given an opportunity of making a contribution to the discussion. These are simply answers to the questions put by one Deputy. If you send in your name you will have an opportunity of speaking on this subject.

MR. P. O'KEEFFE: I want to ask a question. Majority rule or no rule, is that what we stand for here—for majority rule?

THE SPEAKER: I think the President's statement has completely covered that already.

MR. P. O'KEEFFE: Alright. In the Cabinet there were four for and two against. That's majority rule.

PRESIDENT DE VALERA: May I make an explanation about that. It is too bad that again this question should be brought in of the majority rule (Hear, hear). I stated, and let me in the same way as I spoke last night if possible once more explain the position. The plenipotentiaries got full powers if they wanted to sign on their own responsibility, but they knew perfectly well when they came back there would be a Cabinet policy. There is no question of majority rule in the Cabinet, none whatever. If the Cabinet is not able to get a united policy what it has got to do is to get a united Cabinet. Every member has a right to resign if he does not agree with the Cabinet policy. When a division occurs the constitutional way of dealing with it would be this. I would come here and tell you definitely I could not get agreement on the question of the policy. I should state therefore to the Dáil that I have not a united Cabinet, give you the result and give you the circumstances. In fact that is really what the discussions about these questions of powers, rights, etc., came to. I could go and tell you to ask these members to resign and I could nominate others and you could refuse to ratify them and, if the members thought I was at fault, I myself could be removed and someone else put in my place. There is no such thing as the majority rule in the Cabinet. Any member can exercise his individual right and refuse to assent in the provisional government, his only course is to resign from the Cabinet of the Dáil Éireann and if they wish to ask the Cabinet for my resignation, do so the general way. I do not ask for the resignation of the three plenipotentiaries whose actions were not I hold, on account of the undertaking given, in accordance with the Cabinet decision. I did not do it in order not to intensify and split. No man is going to change my views, they can change my position but not the whole of Ireland will change the opinion which I will express. Everyone has the same right. No one is going to bind me here by majority rule—that is to make me turn anyway they want to. I am ready to take the decision of this House that the majority of this House is the Government of Ireland and I am as an Irish citizen ready to obey the laws passed by that Government and obey them faithfully but I cannot do anything else and no one can bind me. The plenipotentiaries had full power to sign whether we liked it or not. But the Cabinet had a policy. We could not agree.

MR. DESMOND FITZGERALD: The plenipotentiaries were appointed and ratified by the Dáil. When the word "plenipotentiaries" was first used in a press report I drew the President's attention to it; he wanted it used for a certain reason.

I understand that when the Dáil ratified the appointment of these plenipotentiaries in the matter they were dealing with the Dáil delegated its power to the plenipotentiaries. This is a point I would like some legal man to speak on. Has the Dáil power to ratify?

PRESIDENT DE VALERA: We definitely understood when we used the word "plenipotentiaries". One of the Deputies of South Dublin asked me about the word and I said we understood it means they have full power to negotiate and to take responsibility for negotiating and signing. The word really meant the power of negotiating. They had their own responsibility for negotiating and signing. There is no treaty in recent times that is not brought to the main assembly for ratification or rejection. The plenipotentiaries have full power to negotiate and sign, they have not full powers to sign for the nation. I hold ratification is absolutely impossible for this Assembly. This Assembly cannot ratify a Treaty which takes away from the Irish people the sovereignty of the Irish people.

MR. ARTHUR GRIFFITH: I am quite in agreement with the President. Take the President's letter, page ten, "It must of course be understood that all treaties and agreements would have to be submitted for ratification to the national legislature in the first instance and subsequently to the Irish people as a whole under circumstances which would make it evident that their decision would be a free decision, that every element of military compulsion was absent". I have never questioned the fact that the plenipotentiaries ought to come here and have their decision ratified. The Irish people are the people to decide.

MR. GAVAN DUFFY: I quite agree with what the President has said. It is perfectly obvious, if you look at the terms of the Treaty, you will see it says, "if approved". The question was raised by the Deputy who first started discussion as to whether the Dáil had any right at all to ratify this Treaty. I think in the first place it would be unfortunate if the main issue were tracted [*sic*] by the technicality so ill founded. I do not think it is well founded for this reason. All this Assembly is asked to do is to pass a resolution one way or another; it is not asked to legislate. If this Treaty be accepted it provided in the terms agreed that Irish Deputies with the exception of those from Carsonia were to meet and ratify. This was a necessary preliminary because the plenipotentiaries have to report back to the people who sent them. It is for these people to say whether they did right or wrong. Then a subsequent step is the real ratification or the non-ratification.

PRESIDENT DE VALERA: The difference between two treaties is the one would be consistent with the portion [*recte* position] we have adopted, the national position. It would be a question of one nation entering into a treaty with another whereas that which is brought back is not such a treaty. There is where I would have broken. In fact I feel I would not be consistent with my position if I would not at the point say, "We cannot go beyond it". The Deputy from South Dublin says you can ratify it as a legal act. You certainly cannot as a legal act ratify this as if it were an act of legislation. It would have no binding force.

MR. KEVIN O'HIGGINS: I first wish to say a few words as to my personal views. I do believe and agree that ratification of the Treaty is technically a breach of the mandate of this Dáil and is technically *ultra vires*. The alternative is to pass a resolution recommending to the people the acceptance of this thing as the amount most that can be assured and as the alternative seems to be war on an extensive and grand scale—war on a scale on which we are scarcely in a position to stand up against. It is better that we should next week if we agree, this Treaty ought to be accepted. It is better we should accept it. It is better we should commit a technical breach of our mandate than to commit the people. It can be said hereafter by the Republican party of Ireland that we broke our mandate and that it was not within our power to do this thing. But if we go to the country merely on a resolution saying that this ought to be accepted because it seems to be utmost that can be secured, I have personally very little doubt that the country will accept it.

COUNTESS MARKIEVICZ: What is meant by war on an intensified scale that was mentioned by Mr. Fahy? And the Assistant Minister for Local Government

has used the expression, "war on an intensified and grand scale". What do they mean by that? To me it is an empty phrase.

MR. KEVIN O'HIGGINS: It suited us very well to call what happened in Ireland war and it suited us also to make a good deal of propaganda of such things as Balbriggan, Cork and so on. Now they have called a formal truce, held formal negotiations. Let me take it that the negotiations failed. England could limb [*sic*] towns of Ireland. She could send gunboats up the Liffey and the Lee and blow hell's blazes out of Cork and Dublin.

MR. JOSEPH MacDONAGH: Last night it was decided that an agenda would be drawn up and we should stick to that agenda. This cross-talk won't get us anywhere if you will have no public session on Monday.

MR. M. COLLINS: On a general point may I ask a question? Have we power to come to a decision asking or rejecting this? Have we or have the private members, in view of the virtual rejection of the Treaty which took place last night and in view of the fact that you are sending these men back to war, have they no right to speak in this Assembly?

MR. D. CEANNT: There is talk about propaganda. What did they want for propaganda? I have had the best blood of the Irish race sacrificed. These men gave up their lives for the Republic. Is it for freedom or—?

THE SPEAKER: That is a rhetorical question.

MR. M. P. COLLIVET: You ought to confine the discussion question by question.

THE SPEAKER: Each of the questions put was enough to create discussion for half a day. The next item on the agenda now is, "Possibilities after vote on Treaty has been taken".

MR. ARTHUR GRIFFITH: Are the private members prevented from expressing their views?

THE SPEAKER: No.

MR. ARTHUR GRIFFITH: Then this is a continuation of the private members' views.

THE SPEAKER: I do not understand.

MR. ARTHUR GRIFFITH: Yesterday we were dealing with the private members' views. Then we adjourned. I contend you cannot do anything in front of the expression of views of private members.

THE SPEAKER: The next item on the agenda is, "Possibilities after the vote on Treaty has been taken". That is too vague altogether and I have changed it to this in order that you may have something more definite to discuss. "The functions of Dáil Éireann after the vote on the Treaty is taken" might seem to be narrow; it might refer to practically anything you wish.

MISS MARY MacSWINEY: I agree with the Minister for Foreign Affairs. I think the private members should be allowed to discuss the general situation. I ask that I should be allowed to speak before anything is gone [on] with. I have already said I think private members should have an opportunity of expressing their views. Before any change is made on the agenda I claim the right to speak on the general situation.

MR. F. FAHY: My questions were deliberately vague. Some of them were vague in order that we could get the widest possible discussion on certain points. I think no one can say that I rise as a party man. There are grave doubts in people's minds as to the consequences of the voting. As a member of the Dáil I wanted the fullest discussion so that there will be no doubt on anybody's mind as to the consequences of the voting either way.

THE SPEAKER: The effect of putting vague questions is to upset the whole agenda—that is to say if the questions are allowed to have that effect. Now the next subject which the private members will discuss is, "The functions of the Dáil after the vote on the Treaty has been taken".

MR. G. GAVAN DUFFY: Last night we were having the private members' views. They were not restricted, the debate was

not completed. On whose authority has it been abandoned?

THE SPEAKER: The heading I have put down here places no limit. I do not see why there should be any suspicion.

MISS MARY MACSWINEY: I think it does limit them.

MR. ARTHUR GRIFFITH: The private members' views were unfinished. They should be permitted to proceed.

PRESIDENT DE VALERA: I am in favour of that also.

THE SPEAKER: Well, Commandant Seán McKeon is the next private member.

COMMANDANT SEÁN MCKEON: A Chinn Chomhairle, if I might mention from the start that I am going to give my views, I will also give an answer to a lot of the questions asked by some of the private members this morning. When I signified my intention yesterday evening of speaking it was not to answer these private members. But I think for the benefit of the private members and for the benefit of the Dáil generally it would do no harm for me as a private member to give my views upon the whole situation as I have seen it (Hear, hear). A day or so ago in the course of a statement the Minister of Defence said definitely that in the way that things went for the past fortnight that war was inevitable. Now that is a straight answer to any man who wants to know are we going to have war or not. You want nothing more definite than that because it was spoken in a definite fashion. Well if war is inevitable it must be inevitable because of our votes here in some way or another. I want to point out to each member what war from my point of view means and I know it (Hear, hear). The Minister for Labour has asked what do we mean by intensified warfare. Well it has been said that what happened for the last eighteen months was not war. It was a fight between a few men and the British Empire (Hear, hear). Intensified warfare as I know it will mean simply that, whether there are arms in the hands of the Irish people or not, if England goes to war again she will wipe all out as she was prepared to wipe out in the latter end of the late war. That is intensified warfare and as the Assistant Minister for Local Government, to call Kevin O'Higgins in the shortest way I can call him—I do not know what Ministers there are or how many (laughter and applause)—said it can be much worse than what we have gone through. But arising out of that I thought, when I was a soldier and fought in the field, I was fighting for a Cabinet that could do its work. I find instead here, I am sorry to say, that definite decisions that had a great bearing on me and for other men who fought along with me, if there was any minute required to prove we were fighting in a legal fashion, there was no signatory to that to prove whether we were right or not. It was disgraceful. I do not care who is responsible or not. I have enough said about that part; the more vexed I would get if I said anything more about it (laughter). I want everyone to understand me as a plain soldier who realises what it is to be at war (Hear, hear); and I want everybody to realise as far as war is concerned for me personally, well I do not think it is necessary for me to say I am prepared to go into it now just the same as I went in before. I want everyone to realise what we are going in for, because I hold we have a duty to the civil population (Hear, hear!). We are told by the Minister of Defence that the army is in a much stronger position, indefinitely stronger now than it was before the Truce—well it may. It may be stronger in some points. In point of members it is a bit stronger—in training it is a bit stronger. But what surprised me most of all was when we said there were two members of Purchases and they were not idle during the Truce. I know perfectly well I have charge of four thousand men. I do not here hesitate to say that number. But of that four thousand I have a rifle for every fifty. Now that is the position as far as I am concerned and I may add that there is about as much ammunition as would last them about fifty minutes for that one rifle. Now people talk lightly of when we are going to war. I hold they do not know a damn thing about it (Hear, hear). Now I am facing facts as I know them. When we started operations before, we took particularly good care that nobody knew anything about us, and whatever we did, and whatever has been done, was done by bluff—pure bluff. Another thing that helped us to win was that the intelligence system and the information system of the enemy were smashed

to the ground. Well why? Because the source of intelligence was with us and that was the people were with us and that meant we had the best intelligence that was available and that the enemy had none. The next thing that helped us was that in every Irish homestead that we went to there was a hearty welcome for us and if necessary their last bit was ready to be placed on their table for us. Well let us go back today to war. The enemy knows perfectly well today our position. They know perfectly well that with the frantic efforts of some of the purchasing agents to get arms that we must not have much. Furthermore they know perfectly well every individual who is now engaged and who they did not know when we started. They know now every officer and man from one end of Ireland to the other. I do not care what end it is, Cork or Belfast. The very moment that war starts the people know better than the British Government that we are unable to protect them and in that case we lose our most valuable asset and that is the help and support of the civilian population. The question has been asked, "What will happen if the Treaty be rejected?" You need have no doubt in your minds as to what will happen. First it will be a public declaration of war by us if we reject that Treaty at the present moment. I hold that when it is war I have a duty and so have several other members of the Dáil, a duty to be back immediately with their commands for to be in war we must be with our commands. Well I hold if the British government has an ounce of sense that, wherever our council chamber is, the devil out of it we will get. There is no doubt about it, I have gone far enough into it. I say it again that I am not well up and I cannot play with words and phrases and formulas (Hear, hear). But I am telling you honestly what I think (Hear, hear) and what I know to be true. When the war is declared I would like to be with my command and there I must try to get, and the only way I would get there is, I would suggest, that the Minister of Defence would arm the Dáil as we are sitting in session (Hear, hear).

MR. CATHAL BRUGHA: Go maith.

COMMANDANT SEÁN McKEON: I for one would be prepared to lead the Dáil out (Hear, hear). There must be no mistake about it, the man or men who flinches—I have done it before, I only did it once—but the man or number of men who attempt to flinch my bullet crashes through his brain on the spot (applause). I have heard a lot since I came in here about principle, and fine words—they were grand words. I heard a lot about it. I hold I fought for a certain object. I did not succeed but I did my best. It has been said I am prepared to eat my principle. I know perfectly well there is not a man in the Dáil from the President down but has eaten principles from the start (Hear, hear). There is not one who has stood definitely for the ideal that was before us. We know very well it was unattainable but we knew every stroke we struck was helping to push the enemy out, and I hold the Treaty as it stands has done that and without our fight it could not be done (Hear, hear). I hold further—the Treaty is called a bird in the hand. I hold that that bird in the hand can be turned to Ireland's interests, not to put or to have only one rifle in the hands of every fifty men but to put one rifle in every man's hand (applause). I hold it won't be to put out the enemy because they will have gone but to keep them out and, if they go to force themselves in, I am sure that sooner than force themselves in upon that rifle they would be prepared to accept Document No. 2.

MR. CATHAL BRUGHA: I suggest that the recommendation I made when I dealt yesterday with statements made the previous day by the Assistant Minister for Local Government be adopted by the speakers who follow. Every private member should get an opportunity now of stating his views. The suggestion was this, that the statement with regard to the Cabinet giving away the Republic be proved. It is a simple matter to make a bold statement; it is not quite so simple to prove it.

COMDT. SEÁN McKEON: With all due respect to the Minister of Defence when private members' views were to be asked neither side of the Cabinet was to reply.

MR. CATHAL BRUGHA: May I continue, Mr. Speaker? We are here to settle this question.

A DEPUTY: Why does not everyone get fair play?

MR. CATHAL BRUGHA: I am not against that; everybody will, I take it, get fair play. But if a statement be made and repeated by others and not proven some people may think that there is something in the statement. I suggest the man who makes a statement proves it, and especially a statement such as this that the Cabinet gave away the Republic. That was in fact a statement made by the Assistant Minister for Local Government yesterday which was repeated to a certain extent by the Deputy from Connemara.

MR. P. Ó MÁILLE: It has now been repeated by our esteemed friend from Longford. I suggest the statement and any statement that has a vital bearing on the action or attitude of the Cabinet be proved in addition to being made.

MR. J. M. DOLAN: Does he deny accuracy of the minutes of the Cabinet meetings?

THE SPEAKER: That is out of order.

MR. KEVIN O'HIGGINS: May I make a short statement?

THE SPEAKER: No, the next speaker is Mr. Seán Etchingham.

MR. SEÁN ETCHINGHAM: I was very pleased with the turn of events yesterday evening. We left in a better frame of mind. I would have said what the Minister for Local Government said when he appealed for unity. I do not think I have said anything since the session opened to disrupt unity. We want unity. I mean now to deal with some things that happened last night but I would like, in another way, to say one or two things to the member for Longford, Commdt. McKeon. I admire him as much as any person here in Ireland or outside it and I am very sorry to hear this statement. Even if that statement was practically true it was a song of surrender (cries of, It was not, and Never). I am afraid it would be taken as such by any person who holds such feelings as I do. The blacksmith of Ballinalee is to me a hero. His fame has been sung in ballads all through the country and if Ireland heard him say—at least some parts of it—that we could not continue the fight I do not believe they would think well of it. I do not hold with him. There are matters that he has mentioned as a soldier that I am not prepared to follow. Though my head is grey, on my own behalf I say at least I do not fear death. I have contempt for it. A lot [*recte* loss] of hope and a lot [*recte* loss] of personal liberty I have experienced. Death is to me the simplest of all—the simplest and the easiest of all. I said here after the session when they went across to England, "Now is the time for the gunmen and the young men to speak." We defined our policy and that was the policy of the Republic. One of the Deputies from Cork then challenged any speaker to speak and I am sorry then that Commdt. McKeon did not speak. Now I hold there is a double honour in this matter—the honour of Ireland and the personal honour. I have said to one of the Deputies from Sligo in the presence of Mr. Alex. MacCabe, Mr. O'Donnell it was, the honour of Ireland was involved. Every single man who came into the Dáil and lifted up his hand and took a pledge to the Irish Republic should be prepared to die, I for one, with Commdt. McKeon. Whether I have a revolver or rifle or not and die in the road outside or in this room, if the government forces surround it, it is the easiest thing we could do and it is [all] we can do to save our honour and the honour of our country. Do not mistake that. We cannot get away from the principle that we are here in this Dáil standing for the Irish Republic and the Irish Republic only. We cannot have different shades of that Republic. We have for instance reference to the uncomprising opportunist shade. I do not conform to that. I may be a die-hard, but it is better die hard than soft. Terence MacSwiney died hard; he was over ninety days dying. What did he die for? Did he die for this thing that is before us?

MISS M. MACSWINEY: No, he did not.

MR. SEÁN ETCHINGHAM: With his last breath he said, "I die a soldier of the Irish Republic." Now I said yesterday evening I thoroughly agree with the Minister of Finance. I applauded him. It was a manly thing to say he was befogged with legal phraseology—that he went to get things not words. But a treaty is full of words. I think you will all agree with me that the Deputy for Kildare and Wicklow, Mr. Childers, who was perfectly qualified—no one denied that—to deal with the subject, pulled that Treaty to shreds. But even

if it were greater than this in the measure that has been given to us of local government I could not accept the Treaty so long as I had to swear an oath of allegiance to the British King. I hold, and I wish to say it now, the greatest respect and the greatest friendship for the members of the delegation. I have been working for many years with Arthur Griffith. I knew Arthur Griffith would not break on the Crown. I said so. But when Arthur Griffith came to Dáil Éireann and took an oath of allegiance to the Republic, he had stood along with us—advanced with the times. I have read the notes taken by the Secretary for Economics, Mr. Barton, that night 5th and 6th—fateful night for Ireland at Downing Street. Read them, everyone of you, and what is the impression? The saddest thing of all is this. We sent them over as great men and they came back as good men as they left, I believe, but they were mesmerised with the mesmerism of the wizard of Wales. It is that that gets me. I am one of the four who objected to any men going to London. Neutral ground was the thing. I did not like the scene of the negotiations. I felt the atmosphere of the city of London had got every man not alone from Ireland but from all over the world, no matter who entered it. I do not blame them, they were only weak men. But when Mr. Lloyd George said to them that he had a train at Euston Station and the boat at Liverpool and added, "Hurry up and sign this or we will have war in two days", they agreed. They would not have signed it in Dublin. I firmly believe they would not have signed it in Dublin. It is a tragedy.

MR. MICHAEL COLLINS: Speaking for myself I would have signed.

MR. ARTHUR GRIFFITH: So would I.

MR. ROBERT BARTON: I would not (Hear, hear).

MR. SEÁN ETCHINGHAM: It is not quite right to say they would not sign in Dublin. I do not wish to refer to the fact that the Minister for Foreign Affairs gave an undertaking that he would not sign any document until he returned to Dublin; and when he would have come back and met the President of the Republic, the Minister for Defence, Mr. Cathal Brugha, and the Minister for Home Affairs I do not think he would sign. I do not think either of them would sign. I put it to them that they would not have done so. No, that is the tragedy of it. Do not forget that, and furthermore what completed the tragedy was the interview given by my old friend the Minister for Foreign Affairs that this was the end of seven and a half centuries fight.

MR. ARTHUR GRIFFITH: Hear, hear.

MR. SEÁN ETCHINGHAM: And he said it meant liberty. What does it mean to the country? There are some men going to vote for the Treaty. They are not stupid, they are not politicians who say so nor are they soldiers. "If this thing went to the country", it has been said, "the country will ratify the Treaty because the country does not know where it is." As regards the press we can say that we here that stand against the Treaty have not even a mosquite foress [*recte* mosquito press]. We have not even a "Spark", "Scissors and Paste", "Old Ireland" or "Young Ireland" to stand for [*recte* against] the Treaty (Hear, hear).

COUNTESS MARKIEVICZ[1]: The Connnacht man [*recte Connachtman*] stands against it; the west's awake at last. I say here with the greatest respect that the members of the delegation, the plenipotentiaries, I repeat what I said before, they went over there and had powers to sign but they could not sign away the liberties of the Irish people unless we have been meeting here in Dáil Éireann, the Parliament of the Irish Republic, as a fraud. From whom do we derive our powers? Do we not derive them from the people? As a Republican it is nothing new to me. Like Seán T. O'Kelly I have been many years a Republican. You all know how I was raised at the Lee by my uncle who was a '67 man and from him I got my inspiration. I believe with him and have a firm faith in the Fenian tradition. I have evidence of it that the old Fenian tradition, unwavering and uncompromising, is buried in the graves where lie the bodies of Tom Clarke, Pádraig Pearse, Seán MacDermott, John McBride, Tom MacDonagh, Plunkett

[1]This speaker's name is obviously wrongly recorded.

and others. Is there anyone here who would tell me that Tom Clarke lifted his hand for that thing? Is there anyone here who would tell me that any of the young men who fought and fell in 1916 would have lifted their hands for it? (Voices, Yes).

MR. ETCHINGHAM: Is there any man here who was a Republican would advocate the Councils Bill? I say you would have failed immediately if you said the first President of the Irish Republic would have put his hand to that.

MR. DE RÓISTE: I think the memory of the dead should be held sacred by all.

MR. ETCHINGHAM: Is there any of the men who have engraved their names on the list of the martyrology of the men of 1916, of those who fell on the scaffold or before the firing party, who would have signed that? Are there any of the men who fought and fell in battle who would have done so?

MR. GRIFFITH and MR. COLLINS: Yes.

MR. ETCHINGHAM: If there were such men who fought and fell for this wretched Treaty that makes for the dismemberment of their country and that would take the Oath of Allegiance to the English—well, where would they expect to go in the future life? A fool's paradise? I have heard an old friend of mine—I was with him a long time in business—the member for Sligo, Alec MacCabe—that he was an uncompromising Republican. He was when in the Dáil a few months ago he got up and emphasised, with more emphasis than he generally puts into his speeches, that if we take the island of Aran we might hold it as a Republic. I was in Aran and I would not think it a good military position. The member for Cork, Mr. de Róiste, talks very lightly of taking this Oath—very lightly for a member of Dáil Éireann. The member for Cork protested that his word of honour would be sufficient but he is willing to give the Oath of Allegiance to the English King.

MR. DE RÓISTE: No, absolutely no.

MR. ETCHINGHAM: Mr. Churchill tells you that it is binding on them.

MR. DE RÓISTE: I do not give a fig for Winston Churchill or Lloyd George or any English Minister.

MR. ETCHINGHAM: I am glad then. I am proud to hear that statement. I made one great convert since I have got it out that Mr. de Róiste will not vote for the Treaty.

MR. GRIFFITH: I do not want to interrupt but is it fair for a member to deliberately misconstrue the words of another member?

MR. DE RÓISTE [*recte* S. Etchingham]: That is not the first time my good friend, the Minister for Foreign Affairs, is too hard on me. Because I said these things and take strong views I do not want to make any personal enemies in Dáil Éireann. On this matter of principle I feel strongly. I do not know whether I have misconstrued any words of the member for Cork.

THE SPEAKER: I do not know what the reference is but I would suggest that all members as far as possible would when speaking avoid personal references to any members as they inevitably lead to the result of raising the temperature.

MR. ETCHINGHAM: I do not wish to do so. I would pass it by if the Minister for Home [*recte* Foreign] Affairs would say in what way I have misconstrued.

THE SPEAKER: It is better to pass on.

MR. ETCHINGHAM: I always like to be interrupted because it gives me chaos [*sic*]. I have been in prison all my life for standing for these principles. I am a Republican of the true brand, an isolated Republican, not an elastic Republican or a pretended Republican. I stand for that and ever will stand for it. I can't pass that. Another good friend of mine, the member for Leitrim, made a speech in which he said we are manning the *bearna baoghail*. We are in the gap of danger and we know what happened. I was over in Leitrim during the elections and they were then what I thought separatists. What I want you to do is continue the atmosphere of last night. I assure you I feel the position strongly. I feel, and I think a great number of you feel, that in dealing with the Treaty

that they did not know enough about this legal phraseology. We are met here to decide the greatest issue that has ever been before the people of this country since the first man or woman ever entered it. Posterity will be our jury. I do believe it would have been much better if we carried out all these debates in public, every one of them. I have heard rumours of what has been said by the member for Longford, Comdt. McKeon. I do believe that the whole situation is that we were invincible on the 3rd or 4th of December and that we were crushed on the 5th or 6th when we woke up in the morning and when we saw that Treaty in the Press. We can retrieve it here if we are honest to our oaths. I reiterate that we cannot get away from it. We are here as Deputies to the Irish Republican Government and if we did not hold that position this Government and every act committed under it could not have the sanction it had, the sanction of the Irish people. People who acted under this sanction were called murderers by the English government but they were acts of warfare, acts committed under the will and authority of the Irish people. We were the only moral or legal Government in the country and are still to-day. Are we going to give away that position lightly? (Cries of No). But you are giving it away (No).

MR. MOYLAN: Are we here to hear the views of private members or of one private member?

MR. ETCHINGHAM: I am an humble private member. I hold the position of an "external" (laughter) and therefore I am far more free than an "internal" Minister (laughter). I have more to say at the public session. It may be my last opportunity of addressing Dáil Éireann as an Irish Republican member, but before you dissolve or give away the position everyone of you should speak and say how you are going to vote. I do know what Ireland will think of you when Ireland gets from under the dope which Lloyd George issued in Downing Street. I have seen that Professor Dicey stated that there were 15 famous battles in the world that created revolutions and the battle of the table in Downing Street was what would create the 16th. It is a tragedy that the young men who should be fighting men are the men who get up and speak for compromises. If I hit you hard you deserve it. There is no use in misinterpreting the issue. I say to everyone of you here who votes for the Treaty never again call yourselves Republicans. Now there is one thing I say in conclusion. I know we are here in private. There are men going around the town saying we will have a Republic in five years. One of those who should know better said in one year. Now, that is a falsehood. Read the history of your country and did they ever fight until repressed? If Ireland gets the Colonial or Free State will she fight? I am perfectly certain of my future existence. It will be spent in jail, in an Irish jail. I will be sent there by the Government of the Irish Free State. There will be more rebels in Ireland if you ratify that Treaty than ever before. I assure you from things I have heard that at least one or two of the men in charge will try and put down this sedition. Therefore I will be in jail. However, don't let any of you young men or old men get away with the idea that, if you sign that Treaty and give up the position, that you are standing for an ideal. You were elected here because you fought and suffered for that ideal but if you vote for that Treaty you that vote for it will have forsaken that ideal. Don't forget that. Once you wander off the straight road and go down the sideways of expediency you will find leafy bowers and sycamore trees and mossy banks and happiness and luxury—the flesh pots of Egypt—but don't forget you, that are committing yourself to this tragedy, that you are going to come out again and fight. It is like the talk of getting out the English. They are going to evacuate the country tomorrow. They are going to take out the khaki and bring in the marines. Those of you who talk of coming out again, as some of you talk, go and tell it to the marines (laughter). No I tell you here that the only true shade of Republicanism is the one who stands true to the separatist principles. I do not wish to speak of personal matters but I may say that my mother, who is 84 years old, when the soldiers came to blow up her home and my home and the home of her sister, what did she say to them? "You may level every house in it but you won't kill the country", and I can't go back to her and say that I voted for this wretched thing. I stand for what I stood for all my life and what her brother stood for if he was not sold by men who would not come out and fight. Do not be led away. Commdt. McKeon whom I admire spoke plainly. I

will also speak plainly to the men here. Thanks be to God it is not necessary for the women, for the women in the Dáil will show they are the best men in it. I am told Ireland was always fond of kings. They were never Republican. You want a king, do you? If you want a king make a king of a gander or a puckaun but in God's name let it be an Irish gander or a puckaun. Why go to England for a gander? Let us try to come back to the old position as far as we can retrieve it; let us keep together. I do not know what I would not at the present moment say I would sacrifice of my principles for unity and the biggest thing that men could do is to sacrifice personal feeling and come in and stand together for the sake of Ireland's honour and Ireland's position before the world.

MR. PIARAS BÉASLAÍ: I am glad that at last after three days, disheartening days, we have a straightforward, plain speech from a man who takes his stand, honest and solid, on some kind of foundation we can stand on and fight. It is the first time that I have heard that it is not on Document 1 as against Document 2 that we are asked to stand. It is not on documents he is standing but he is standing on the old ideal and I respect him for that. Every man who takes his stand on that is a man for whom we can have nothing but the highest respect and regard, but I must confess as a man who has done his best in the work from the very start—and remember I was one of the men who founded the Irish Volunteers—I must confess that the work and labour and fight of these days have been disheartening to men who cared about Ireland, these recriminations about points that did not matter a damn to Irishmen. What do we care about personalities? What do we care whether this Minister or that agreed with this clause or that? I know what the plain men of Ireland think, the soldiers of Ireland. I have the honour to have held the position of a soldier in the army since 1913. It is pitiable to hear these quibbles about internal and external association. We were asked, "Did such a man fight for the Treaty?", "Did he fight for external association?", "Did he fight for Document 2 or 1?" We have no right to say how any man who is dead would have voted. It is a mere accident that Commdt. McKeon has not inscribed his name on the tomb of Irish martyrology. It is fortunate he is here to-day to speak for himself and not to be quoted by other people when he could not speak for himself. It is a mere series of accidents, and I know intimately all the facts, that the Minister of Finance is here today, and it is the merest accident that all of us are here to-day, not to have our names as arguments against what we think the best thing to do for Ireland now. This thing has been discussed, with the exception of Mr. Etchingham, in the spirit of a discussion at the Home Rule Bill. For God's sake will we get a grip of realities? This is a Treaty now at the cannons' mouth in guerilla warfare from a power against whom we could never expect a military decision in our favour. This power is to leave the country bag and baggage, to withdraw from all her strong fortified positions and to leave the country in possession of the Irish army, the very thing we have been fighting for and now achieve for the first time in 750 years. These are the terms of a big proud nation to a nation which is not big and which, make no mistake, if not strong enough to break our spirit, could render us absolutely impotent. Are we out for destroying the country and saving our faces? There is no alternative to ratification of the Treaty but war. Document No. 2 is no alternative if we must die. Men have died to the cry of "Up the Republic" but I cannot imagine they would die for the cry of "Up External Association". Now, just imagine a plain ordinary man in the ranks in the country going to fight for the difference between external and internal associations. He would not know what it means and I am not perfectly clear as to what it means. As I said every credit is due to Mr. Etchingham. He states he was against negotiations at all and not alone to these terms. The Dáil decided to enter into negotiations with the British government to ascertain how the negotiations of Ireland with the British Government could be reconciled with our national aspirations and I do not know what we imagined we were doing except one thing. The Minister of Defence made a very clear and definite statement yesterday and they said there was no alternative but war. Well it is very probable that the result of this will be war. Well, let us face it in a purely military spirit and what we are fighting. We are fighting to keep the Black and Tans in Ireland, we are fighting to keep them in Dublin Castle. I do not think a plain soldier would be able to grasp that point of view. There was one statemen

which the Minister of Defence made to-day which I must confess surprised me as a member of the staff serving under him. He said we were in an infinitely stronger position since the Truce. I wonder did any member of his staff say that? All I can say is that I am a bit astonished for it is contrary to what I expected that we were stronger. We are stronger in numbers. We have a lot of Truce Volunteers. We are here to represent the country and not to air our points of view, not to gain any personal advantage or any party or doctrine advantage but to serve the country to the best of our ability. The alternative is one of two things, whether we agree to the terms of the British government to save their faces or we try to save our faces on the basis of a compromise. There is no use fooling ourselves. In God's name let us realise our responsibilities in this matter. If we are going to plunge the country into bloodshed and to fight to the last gasp let us do it on bedrock principles and not on Document No. 2. This is a question of life or death to the nation. It was suggested that it is dishonourable for us to fight when we never hoped for a military decision. The military will evacuate our territory on certain conditions and he did it as he stated to save the country from useless bloodshed. We are asked to do certain things to save the faces of an unbeaten enemy. That is a solid substantial fact. The armed forces of the enemy is a thing that counts in this country and let there be no mistake about it. Now I have been astonished to hear people say they are standing on principles of Document No. 2 [which] says that Ireland shall recognise His Britannic Majesty as head of the association. That is an evasion because if you put that up as a treaty with England there is no machinery provided as to how it shall take place. That was the crux which our delegates had to fight all the time. I think it is not fair to pretend that this gets over the difficulty. What other machinery can you devise except some oath of negotiation [*recte* recognition]. If we are to have no oath of recognition to his Britannic Majesty say so. It is the only chance on which the country will back us. Now as Commandant McKeon said our strength in the fight was not our military strength but because the people were behind us. They were our intelligence department and the commissariat. Would the people be behind us now?

MISS MACSWINEY: Yes.

MR. BÉASLAÍ: You cannot say. I know what I am speaking of when I say the vast majority of the people would be against us. We would have to fight for an unfinished and divided country and we would not have the decency of a clear issue. As to the question of being a Republican I stand where the President stands on that. The President has declared, and he has emphasised the point, that when he took the oath to the Irish Republic he felt he wanted to make it clear that he was taking the oath only to the Irish nation. We will never unite the people of Ireland on any issue but the one of the freedom of Ireland and driving out the English power from Ireland. The particular form we were elected on for the [*gap in original*] was the Republic. I had occasion to analyse and find out exactly what a Republic was and the one thing in common with the Republicans was that they did not derive their authority from any monarch, symbolic or actual. A Republic is simply a state in which the people freely on their own rules express their will in a democratic way. There are one or two other things I wish to say. Some people are talking on the assumption—they say this Oath they are not going to take. All I can say is that nobody asked them to take it. I have no earthly desire to be a politician. Most of the people here are only politicians by accident and they do not want to be politicians whenever they have achieved their object of driving the English out of Ireland and controlling their own business—one of those brave, honest, sincere men like Mr. Etchingham who are taking their stand on principle. There is a lot of very unnecessary opposition to this Treaty and it is painful to me that people whom I love and respect should have [said] things of those who are doing their best for the country, but there is also an element of opposition which I find it difficult to reconcile with complete sincerity. One member has stated that never, never would he take the Oath of Allegiance to the King of England but he told me in 1913, when it looked probable that Mr. Redmond's Home Rule Bill would come into force with the allegiance embodied in it, that he intended to be a candidate for Parliament.

THE DEPUTY MINISTER OF L.G.B. You are on dangerous ground.

THE SPEAKER: I must rule against personal allusions.

MR. BÉASLAÍ: I quite agree and I regret it. I will say no more on that point but I would simply advise persons who say things like that to be perfectly sure that people have not got long memories. This is a matter of life and death to the nation. I am speaking simply and solely from one point of view. I do not want to be a member of any Government or Parliament. I want to do my part in getting the English out of Ireland and building up the finest state we can. I have the same view as others that Ireland shall be afforded complete opportunity for cultural developments. I think her civilisation will work best on independent lines but, if I have to vote between getting the enemy bag and baggage out of Ireland with some miserable thing to save their faces and on the other hand of trying to save our faces by a mere quibble between external and internal allegiance and plunging the country into bloodshed without national sanction, then I will vote for having the British out of Ireland.

MR. J. J. O'KELLY (Sceilg): The reason I wish to adress you is that I have just a couple of words to say that I think had better be said at a private session of the Dáil than at a public session lest it might show our hands to a certain extent to the enemy. I sincerely hope I will say nothing that will in any way disturb the hopeful and promising atmosphere before we separated last evening. I trust everyone here will say nothing but will do everything possible to improve that position. I must say I have heard the discussion of the past three days and at times I found myself almost cursing the hour I entered political life, because of absence of that splendid spirit of comradeship that we possessed up to a few days ago. Now I would like to bring your minds back to the session of the Dáil at which the delegates were appointed and of which I have a most vivid recollection. The President proposed the delegates who were duly appointed. There was a slight difference of opinion, I remember, at the last moment. What I recollect as having happened was this—I give my recollection for what it is worth and I think it will help to clarify the position—the President proposed the five delegates in order. When their appointments were approved by the Dáil somebody got up and said how desirable it was the the President should perform his part on the delegation or accompany the delegation. My friend the Minister for the L.G.B. proposed in a long, plausible and well reasoned and good humoured speech that the President should accompany the delegation, and the Minister for Finance got up and supported that proposal, and the President got up and stated what he had said at previous Cabinet meetings, that it was better he should not go. The Cabinet of the Dáil realised that the vast difference between the maximum we could expect from England and the maximum [*recte* minimum] we could accept could not possibly be bridged by the delegation to London, and therefore that we could nor expect the delegation would come back with an arrangement which we could ratify and that, if we did not ratify it, it would be a serious thing if the head of the state was involved in the repudiation. I say here that the proposals handed in by the President, even though they do not appeal to me very forcibly, crystallise the situation which was anticipated by An Dáil and anticipated by the Cabinet. It merely proclaimed that when the delegates came back they would be likely to be repudiated and that they would take it as a matter of course. If I am wrong then as I stated at the outset take it for what it is worth. Now I have devoted—and I don't say it in the nature of a boast, and I do not think anyone here will think I mention it in the nature of a boast, I mention it only to see if I can restore a proper spirit of brotherhood—I have been engaged in the service of Ireland for a quarter of a century, There is nobody I know so long and have worked so long with on the same lines as the chairman of the delegation to London. God forbid that I should say anything to detract from the credit due to the chairman of the delegation for the brilliant services he has rendered to Ireland for many a long day. Associated with him also for a long period was the Minister for Finance but my work for Ireland has been more in common with the chairman of the delegation. We have been identified in working for the language or literary movements. It is not a boast to say that Mr. Griffith for a quarter [of a century] has neglected his own interests and has devoted all his energies and abilities to the Irish cause according to his lights. But his judgment just now differs

from mine sharply and fundamentally. Now I have served in this Dáil in many capacities, as chairman in the absence of Mr. S.T. O'Kelly and as Minister of Education for which I was proposed against my will. My work in the service of Ireland for a quarter of a century has been a labour of love. I need not make my meaning plainer than that. Now, we all who by our services to Ireland have in our different ways brought this cause to the position it occupies to-day cannot we in God's name find accommodation and settlement? May I not appeal to the Dáil and the members of the Cabinet to try and come together once more and see whether we could agree to face the public on Monday with a united programme and that will confound the enemies outside? There is one thing England has ever been trying to do and that is to divide our country. I have been a member of the Cabinet of the Dáil. I was unanimously elected a member of the Cabinet and some of you may be surprised to hear that I had the honour of presiding at the Cabinet after Mr. Griffith's arrest and when three or four of us met in obscure places just at the time that England's actual bloodhounds went into the house of the Minister of Defence to see if they could run him to earth. Can we not between this and Monday find accommodation or agreement in in which we can go to the public session of the Dáil as a united Dáil? Mr. Etchingham said a while ago that he was one of four opposed to the idea of sending delegates to London at all. I am betraying no secret when I said that I took up that position and it will be in the recollection of those here, and particularly in the recollection of Mr. Barton after he had been released from Dartmoor or Portland where he was the guest of His Britannic Majesty to whom we are asked to take the Oath of Allegiance, and that I was strongly opposed at that time to sending any delegates to the enemy's house. There is always a tradition in Ireland that only the vanquished went into the enemy's house. They went to London and we see the result. Before they went to London we had the Irish cause on the proudest plane it occupied since Strongbow landed in Ireland. When they went to London they stepped off that plane on to a slippery slope. They went out on the slippery slope and they are on the slippery slope and I would appeal to them before Monday to look up from that slippery slope, to look up to heaven once more and see whether they cannot come up to the plane once more on which the cause was before they went to London. I want to say further that [in] the position in which I was placed in the Dáil it is my duty to administer the Oath of Allegiance to every member of the Dáil. I took that Oath of Allegiance and I interpret that as taken by myself and administered by comrades as a vow of life-long service and consecration of my life to the Irish Republic, not as a question of days and weeks but as a vow that consecrated my life to the service of the Irish Republic. I heard people say they took this Oath very lightly, that they regarded it as [of] very little consequence. I don't take that view. I want to say here that I am never going to perjure myself or violate that Oath of Allegiance to the Irish Republic. I should be very sorry to see any man here who realises the meaning and significance to let his name go down to posterity as a perjured man if he violates that Oath. It is a matter for his own conscience. That is how it appears to me. What I wanted most particularly to say to you is the understanding on which of [*sic*] our delegates went to London. I am afraid that when we meet on Monday some of us may have to say very hard things against the proposed Treaty. I ask the men who have signed their names to that Treaty not to regard hostility to the Treaty as hostility to themselves in any [way]. Personally I would appeal once more to you members if it is at all possible to let us try and come together and see whether we cannot agree to something that would enable us to face the public and bring us from the slippery slope on which we are to the plane on which we were and show to the world that we are determined to stand by the cause which has been consecrated by the blood of so many martyrs and, as a friend of mine said, the blood of the finest generation that has appeared in Irish history. I hope they will bring that cause back from the position to which it has drifted slightly and that everyone here will do his best to push that cause forward from that position and certainly never let it recede.

The House adjourned at 2 o'clock for luncheon.

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On resuming the Speaker took the Chair at 4.35 p.m.

MR. PAT HOGAN: I hope not to say very much. It has already been said by previous speakers. There are two points which I should like to dwell upon. Three or four times in this Dáil today and yesterday Deputies were reminded that they had been, so to speak, challenged at the previous session when the plenipotentiaries were to be appointed to stand up and say their say and declare one way or another. That was mentioned a few times by Deputy Miss MacSwiney, by Mr. MacEntee and by the Deputy for Louth and by Mr. McDonald[1].

MR. ÓCEALLAIGH: Excuse me I did not say such thing.

MR. HOGAN: By others. I am quite clear about that anyway. It was mentioned here three or four times. I deny the right absolutely of any delegate in this Assembly to dictate to the rest as to when they should speak and when they should not (Hear, hear). I deny the right of a private member and I deny the right of a member of the Cabinet. We have all our own consciences and our own pledges and our own constituencies to consider and we have all got intelligences such as they are. We must be all allowed to judge when we should speak and when we should remain silent. That is a matter for ourselves absolutely. There is a lot of talk about principle but I think that is clear anyway. Now, as to the point [as to] what did happen on that occasion. Some people put some interpretation on it and other people put other interpretations on it. Deputy Miss MacSwiney put an interpretation on it that the plenipotentiaries were sent over, and I must say also that the Deputy for Louth put the very same interpretations on it, that the plenipotentiaries were sent over without any hope whatever of effecting what I will call, for want of a better word, a settlement for tactical reasons of one thing [*recte* kind] or another. The Deputy for Louth stated that he interpreted the President's attitude in not going over as meaning that there could be no chance whatever of a settlement out of these particular negotiations. Well, Deputy Miss MacSwiney and the Deputy for Louth are entitled to put that interpretation if they wish but we have the documents before us. We know the statements in this document made by Mr. Lloyd George. We know what took place at the Dáil but we were equally interpretated [*recte* entitled] to put our own interpretations on that also and we were entitled to take into account what the President said, that all through these negotiations he was out for peace and if possible he would get peace. We were entitled to put our new [*recte* own] interpretations on that and we should not be baited at any time by what any member of the Dáil says. The other point I want to touch very shortly is on the Oath of Allegiance; and before saying anything I may say this, that it seems to me extraordinary that when a difficulty arises that we should adopt the attitude of a board of guardians and let someone get up and suggest that we should get it adjourned for counsel's opinion. For a sovereign assembly to take up this position is extraordinarily futile. It could not happen anywhere else, in any other such assembly in any other country in the world and it is an extraordinary condition of futility. There is a good bit of confusion, some of it deliberate, some of it accidental and some of it inevitable. We have heard all sorts of ministry relations and misunderstandings for the last two or three days: but really the one thing we should avoid is deliberate misquotation—and I have heard for the last hour, for the last three days, deliberate unquotation [*sic*]. I have heard Madame Markievicz say we are taking the Oath of Allegiance to the English King. I have the misfortune to be a lawyer but I have heard more pettifogging from members here than I ever heard from lawyers in my life (applause). I am asking you to read the Oath—misinterpret it if you like but don't misquote it. There is no Oath of Allegiance to an English king or to any other king. Be clear about that. I don't know whether I ought to read it for you or not. "I do solemly swear true faith and allegiance to the Constitution of the Irish Free State as by law established". Is there any allegiance to that? That much of it is alright I presume anyway. "And that I will be faithful to H.M. King George V. his heirs and successors". When all the excitement is over I wanted to point out that personally I always feel foolish in making verbal distinctions but they seem to appeal to this Dáil. In any case I don't want to put a lawyer's interpretation but I want to put

[1] There was no member of that name.

an ordinary plain educated man's interpretation on these words. Any man that looks at Nuttall's dictionary will see that there is a difference between allegiance and faith, and if there is, why then say we are giving an oath to an English king? There are lawyers in this Assembly and I ask them to contradict me if I am wrong when I say that faith is what you would give to an equal, what you are to every man. It is the same as recognition, absolutely the same as recognition. If the word recognition means anything it means that you will be faithful to the bargain you entered into and to the person with whom you are entered into the bargain. This is the sort of thing I don't like because it is like juggling with words and these are ordinary words and they can be interpreted in the ordinary way but this Assembly seems to love having them errected [*recte* dissected]. Now let us have the point settled and will anyone get you here and say that we are giving an Oath of Allegiance to an English king or to any king.

A DEPUTY: Finish the oath.

MR. HOGAN: "In virtue of the common citizenship of Ireland with Gt. Britain." Well? Faithful to King George V in virtue of the common citizenship of Ireland with Great Britain.

MR. COLLINS: Not subjection of Ireland to Gt. Britain.

MR. HOGAN: We were to recognise the English king as head of the [*gap in original*] and be faithful to the English King as head. Anyone who sees distinctions is [welcome] to them. Now that is the second point. Now the third point is this what Mr. Beasley in a previous speech said was the one in which he would give a united Ireland and that is the driving out of England out of the country as Lord Carson described it "bag and baggage".

That is the real mandate you have got from Ireland; you got no mandate for a form of government as such. Does anyone tell me here that you were given a mandate in Ireland for a form of government as against a mandate for freedom and for the cleaning out of the English of this country "bag and baggage"? Any honest man facing the situation clearly will know and admit that. That is the way personally I always regarded the mandate. I think my few public statements never said anything contrary to that. To the purest Republican in this Assembly that is a profound truth and if it is right I ask every man in this Assembly to consider it and to say whether or not he is going to plunge the country into war for a mandate for an issue which was never before the country.

MR. SEÁN T. O'KELLY: On a point of order. As this mandate has been raised may I read one paragraph from the mandate.

SEVERAL DEPUTIES: No, no.

MR. SEÁN T. O'KELLY: There you are.

MR. COLLINS: On a point of order, Mr. Speaker. Surely a member may be replied to afterwards and not interrupted.

THE SPEAKER: I think the Deputy that has arisen has had sufficient acquaintance with public life to know that that is not a point of order.

MR. HOGAN: I said before that I heard more pettifogging in this Assembly than I heard in all my existence and I say that this is an example of it. The heart of the Irish claim for 500 years is the driving of the English bag and baggage out of Ireland and nothing else and that it was for any form of government against that—and I make no conditions or qualifications as far as I am concerned in that. I happened to be in Ballykinlar when the last election was fought—otherwise I suppose I would not be here and I had time to read the speeches and the manifestoes and I say the word Republic was conspicuous by it [*recte* its absence] at the last elections if—

THE PRESIDENT: Oh, no.

MR. HOGAN: If that point is worth anything. The real issue put before the country always was the clearing out of the English independent of any form of government. That is a perfect truth and I think it is a truth which everyone should seriously consider. Certainly I think they should make up their minds on it before they plunge the country into war. Now there is another certainty emerging out of all the obscurities and that is that war is going to follow. The chairman of the dele

gation has said it and the Minister for Home defence [*sic*] has said it. Is there any member of the Dáil going to contradict that? Is any member like myself going to contradict that? Is any member like myself going to contradict that which is a common case from both sides? I take it that there is not and I think we ought to have heard the last word. For that reason I think we ought to have an end once and for all to all this talk about accommodation—I use these words deliberately—if it means putting forward another proposal. Nobody who has any real sense some [*sic*] of the position likes to see this Dáil split but what I do object to is soft talk at this time of the day of accommodation when we know there can be no accommodation in lines of another treaty. I do not say people mean it to be eye-wash but in view of what the delegates say on the one side and the Minister of Defence on the other what else can it be but soft-salt [*recte* talk] and however much we may like to pay compliments to one another at this time of the day we ought to face realities. The head of the delegation states you have got the very last word.

People seem to think they were there only a week. They were practically there six months.

SEVERAL DEPUTIES: No.

MR. HOGAN: Well I mean from the Truce period. They were there two months. Even the country was beginning to wonder how they were able to drag it out so long. They came back and forward five or six times and now we are faced here with the assumption that they should have come back once oftener. But who were the best judges of that than the men on the spot? I would like to know on what basis, on what grounds and on what assumptions the arguments that they might have come back another time is based. It is on the well known credulity of Mr. Collins and Mr. Griffith's soft-headedness and the lamblike disposition of Mr. Lloyd George. What is it based on? No one is entitled to come to conclusions on a serious matter like this on mere whim. Every man owes it to himself to make up his mind on the realities and the plain, simple, logical arguments that apply to the case. I want to know what is that based on. I want to know how any private member can take the responsibility of plunging the country into war because he thinks Mr. Collins or Mr. Griffith or any other member of the delegation made a fool of himself because he has come to the conclusion at the eleventh hour that Mr. Collins or Mr. Griffith happened to be softheaded. Because that is the assumption, that is what it comes to. Now there is just one other point. I am in favour of the Treaty and I am going to vote for it. I am in favour of it because I believe what Mr. Griffith says, that it gives us the substance of freedom and that it is a Treaty that Ireland can with honour accept. I am going to vote for it for that reason first of all. I am going to vote for it because he could not get any better, because the alternative is war and because my constituencies want me to vote for it (Hear, hear) and I have absolutely no sympathy for the people who are going to vote for it under protest, none whatever; that is only a weak way of justifying yourself to yourself and everybody else. Everyone would get better if they could. We should assume that we all know the circumstances of the case and let us deny afterwards once and for all this talk about the watery [*sic*] for it. Assume under protest that everybody is just as sensible and patriotic as yourself. And that the plenipotentiaries into the bargain are just as primitive as yourself. Don't refuse the issue. We all know the circumstances and I confess that I cannot understand the attitude of a member of the delegation who says he would vote for it in London and would not vote for it in Dublin. I think it is mental bankruptcy that sort of thing. I heard there were going to be many charges that the plenipotentiaries—and a serious charge made against Mr. Collins that he was befogged. Now at this hour of the day one of the plenipotentiaries comes and tells that while he voted for it in London he would not vote for it in Dublin. I cannot understand that point of view and I think we are entitled to an explanation. That is all I have got to say (applause).

MR. M. P. COLLIVET: I won't detain you very long; because we started discussing the genesis of the Treaty, and from that drifted on to the Treaty itself although it was originally intended that the Treaty should be debated in public. We are now debating the Treaty itself. I think it would be more to the point if we spent the time debating here another issue, its rejection or ratification. We could maintain as far as

possible an outward union at least to the nation—that is to prevent anything in the way of a split amongst the Assembly or amongst ourselves. I think our time this evening really would be better spent at that. At the same time there would be a general desire on the part of the members to proclaim themselves. At this point don't think that the expression of any private member like myself is going to sway anyone and therefore it will not be necessary for me to go into arguments one way or another but as precisely I can give my views. First of all I believe that the action of the delegates in signing the documents was perfectly legal and legitimate. With regard to the Treaty itself I cannot reconcile it to my principles although I value the arguments made here by those who supported the Treaty that the alternative to ratification is a most disastrous one for the country itself. Whether it be war or by a proclamation of a general election by Lloyd George that the question be immediately put before the country it means a split for the country which would be just as disastrous as physical war as that—whatever way it goes it will be a general disaster for the country if the Treaty is not accepted. I don't hold out any high hopes that there will be any other alternative. The result is that anything I could possibly do to reconcile it to my conscience I would do it to avoid that *fait accompli*. The last word I had from the president of my Comhairle Cheanntair when leaving to this session was, "for God's sake don't get us a split". The constituencies didn't attempt to bind my hands in any manner and I came here with an open mind altogether. Strongly prejudiced against the Treaty at the start, but I make this admission that my mind is still open until the truce [*recte* Treaty] comes to vote. The thing is too serious to make up one's mind in the cast iron mould and be afraid of changing it because you have said one thing or another (Hear, hear). At present I find there are two things in that document which I could not in conscience take. I could never bring myself to take that Oath of Allegiance to a foreign king. And that oath is landrum [*recte* laid down] in the Treaty although it does not state "allegiance". I fully admit with Deputy Hogan that the word "faithful" has not the same meaning as "allegiance" but it does mean faithful and "faithful" has a meaning and it means faithful to the King in a dual position in virtue of Ireland's common citizenship with Great Britain and her adherence to membership of the Commonwealth or words to that effect. The King has a dual status. As King of Great Britain he commands a position and has just the same power which he had over India or Egypt and all the associated states of Great Britain, Canada, South Africa, and Australia. These words, the common citizenship of Ireland with Great Britain, in my opinion being in the two statuses of the King I swear to be faithful to him in the dual position. Now I am faced with this: Will I perjure myself? Can I perjure myself and violate my own conscience and dishonour my honour to avoid disaster for the country? Up to the present I cannot bring myself to do it. My personal honour and conscience are to me sacred things. I know that men in the past have violated their personal honour for the sake of their nations. I could not do it up to the present and whether between this and tomorrow I will have got over the gap I cannot say. I am only letting you have my own views and my personal position. I am claiming no infallibility for my views and I am throwing no slur on the honour and integrity of the men who differ from me or of the men who do consider that their previous adherence to the Republican ideal is consistent with their acceptance of this Treaty. The next point I wish to raise is this. Is it possible for other members when speaking to confine themselves as short as possible and if we could before we break up find our minds dum [*sic*] to what we can do to preserve an assented [*sic*] nation. We have all up to the present been as cemented as concrete. There is no doubt about the question and we can get it together. The question is can we get it back and that is a more serious matter than any long disquisition on these verbal matters. I think most people have made up their minds one way or the other and I think we ought to settle ourselves down to considering this—suppose this Treaty is rejected Lloyd George may take the inner course and not declare war but compel us by press propaganda or announcing a general election to go to the people and present them with their answer. If that takes place it is more than likely that both parties may take it to the hustings—to use an old expression—and there may be bitterness. Would it not be possible that we refuse to play into the hands of Mr. Lloyd George and that if there is anything

put to the country it would be put not as one party against another but as something in the nature of a plebiscite. In other words that we did not go forward as two parties—one Republican and the other anti-Republican for I claim we are all Republicans and as Republicans we put it up to the people whether at the present moment they are willing to accept an internal association with the British Empire. I am only [throwing] out this as an illustration of what might be done to prevent the disastrous consequences of a split in the country. War is not so serious for this reason. It can be easier dealt with because I take it that if we reject that Treaty we will be united in abiding by the decision of the majority of the Dáil and that our army will fight unitedly as far as it can. Although I do agree that the army is not in as good a position to fight the British army as some people seem to think but so far as it can be put up resistance. It will be only on lines of how best to carry it on and that there will be no recriminations on whose fault it is or it is not.

MR. SÉAMUS ROBINSON: The last speaker has made a few good suggestions and I would like to hear some of the Ministers on them before I go any further—that is if the Minister will say whether or not there is going to be any action taken on them. If not I will go on. I am not a politician. I do not know how to make a speech, thank God. The previous speaker (Mr. Hogan) said the people had not given a mandate for the Republic at the last general election. Here is the manifesto to the Irish people in 1918. "Sinn Féin gives Ireland an opportunity of vindicating her honour, of pursuing with renewed confidence the policy of National Salvation by rallying to the flag of the Irish Republic."

MR. HOGAN: On a point of order I said "at the last general election".

THE PRESIDENT: The words in that manifesto were, "For the confirmation of the legitimacy of the Republic."

MR. ROBINSON: Another vexed question raised by Mr. Hogan was the Oath. A great many clever men seem to think it is not an oath and others seem to think it is because Lloyd George himself seems to think it is. I am a Republican and I hope there remain Republicans—so many great men have changed I fear for myself too. Touching on the different documents, certainly I am not in love with Tweedledum or Tweedledee but still I believe there is a difference but it is not a difference worth fighting about. Now some Deputies have said that allowing these men to go to London was sufficient guarantee on our part that we were prepared for a certain amount of compromise. I deny that the words "arivate [*recte* associate] with" can mean absolutely nothing that they are anaveratious [*recte* associations] as France could be with England. We are not trying ourselves in any way and I think the President made that clear in his speech. I also used to think that Lloyd George had bluffed this country. I think the President is really the man who started this asseveration [*recte* association] idea in the country. It is not a matter of killing soldiers at all. This is not a war similar to the one that England was waging against Germany. She could and should round up every German in the country. England could not do that with Irishmen at all and Irishmen would always be there. That is the peculiar difference, I think. All this talk about English extermination we have heard ever since we were youngsters. I say that 50 men in England would be able to counteract any destruction that the British could do because thanks to British oppression we are not a manufacturing country like England and if she destroyed every home in Ireland I believe in 5 years we could re [*gap in original*]. England depends upon her factories and shipyards and we could work more destruction in England than she could on us. At any rate, it would be a permanent loss to England and it would be only a temporary loss to us. We are not going to to fight the whole British nation. Fifty men across in England could do more damage than a serious fighting.

A DEPUTY: The police will not let them through.

MR. ROBINSON: I suppose that is a joke.

MADAME MARKIEVICZ: It is only his own experience.

MR. ROBINSON: Commandant McKeon says people would not support us. He has a right to his own opinion in that part of Ireland he speaks for. I say the

people of Tipperary will support us and from Tipperary down to the sea. Another point. [Did] Mr. Barl [*recte* Brugha] make any effort to put things right and to try and have the position of the army better than it was? I think every man on that staff should answer for himself as to why we are not in a better position and I think whoever is responsible should speak up and say what he thinks of it. It does seem strange to me and everyone else that we are not in a better position. It seems to me and I have reason for saying it that there was an effort to get arms out of this country. I believe there has been criminal negligence on the part of someone, two or three or four. I think I remember somewhere of a black book in 1801. Possibly there will be [a] black book now and that men may not think it disgraceful now, but when the people see the things in their perspective perhaps 10 years hence it will be different. Will the Volunteers follow this new Government? I know that I can speak at any rate for my own brigade and I do not believe they will.

MR. DUGGAN: Which new Government?

MR. ROBINSON: I do not think that requires to be answered—this Government that is electing itself as a buffer state between us and the British. As the President has said I think and I know many Volunteers will think that this will be *ultra vires* and will have no binding, moral, legal or any other weight with us.

COMDT. EOIN O'DUFFY: I am one of the Headquarters Staff but prefer to speak as an ordinary member of this House rather than as a member of the General Headquarters Staff. I am not a speaker and this is the first time I am speaking. I want to be as brief as possible and to state the position from my knowledge of the country. I should say at the very outset that I take full responsibility for saying unreservedly that I am in favour of the ratification of this Treaty. I may be called a coward for making that statement but I do not mind whether I am or not so long as I have not been called coward for the last 2 or 3 years. I did not study the Treaty very carefully but I see two points in it that commend themselves to me. The first is that it achieves what we have been talking and striving for since the fight began and that is that the British soldier and British Peeler will never again be seen in Ireland. The second point that struck me was that we would have an army of our own fully armed and equipped. I do not want to go so very fully into the other parts of the Treaty except to say that for the last 3 or 4 years [*recte* days] we have been in a kind of muddle. On the first day it was a matter of the Treaty as put before us against the Republic and those people who were in favour of the Treaty were greeted over there with a tricolour flag with a black band around it. I hold I am not one of those responsible for the black band around the flag because if our delegates are responsible then our Cabinet is responsible, then the whole House is responsible because I did not think our delegates when sent to London would bring back a Republic but I do think they did bring back something that would be towards it. On the second day of our deliberations we dropped the Republic; everybody dropped it (Cries of, No, no.) At least we dropped the questions of discussing the Treaty versus the Republic but a Treaty [versus] a second treaty and we were told then there was only a shadow of difference between the second meeting of [*sic*] the Treaty signed. On the 3rd day we got back to the Republic and we were told that there was only a shadow of difference between the Treaty No. 2 and the Republic. That is the position we find ourselves in. As I said before I do not think there were 6 members of this House who objected when our delegates were sent across to negotiate with the enemy on this matter. I do not think there were 6 members of this House who said the terms of reference must be curtailed and I think it is very dishonest to put our plenipotentiaries in the dock and say, "Because you did not bring back a Republic you let us down." We must consider what our position really is and must not bring down the honour of these men before the Irish nation. So far as I am concerned it is honour first and liberty next. When our delegates were chosen they were chosen because of their fidelity, courage and their honour. We have given our trust to those men and we should not relieve [*recte* revile] them when they have shown themselves worthy of our trust. As regards to the form of oath it appears from most of the discussion, and so far as I am concerned, to be divided into two parts—the first part says we give allegiance to Ireland and the second part

we promise to be faithful to King George as head of the group of nations. I do not want to take an oath to any English king but I do say the first part neutralises the second. If you bear true allegiance to Ireland I say the rest has no meaning. You must first of all swear to be loyal to Ireland and I think the other matter is a mere form of words after that. I was speaking to a very distinguished member of the Irish hierarchy and for the sake of argument I agreed [*recte* argued] against the Treaty and he is in favour of it. I told him I take that then I will not be able to shoot any more Peelers. "Oh," he said, "you will be no worse than you were before". I should say as far as I am concerned I do not mind about these symbols because I realise that it is by force and force alone that England holds this country. It is not symbols that we have been up against all along. It is force. Then when the Treaty force is removed then I feel it will be in a position to develop our national life. As regards the question of the resumption of hostilities we have heard a good deal of talk here on the subject. I do not pretend to be a prophet in the matter but I know the country pretty well. I know what the position is. Well I know what our position was in London when our people there were being shadowed; I know the position in Dublin when every office and department was covered and three or four lorries of armed Auxiliaries were travelling through the streets of the city. I know that the Truce would have been broken inside two hours and, if the delegates did not meet again, I know that here and there there would be outbreaks on a small scale which would lead to this. We know that human nature could not allow the enemy to go unrequited so to speak. That is the position and whether it would be well for us to continue in that position indefinitely is for us to decide. So far as I am concerned if this is to go on we would be as well to start at once. If we allow this thing the enemy will get into the position he held before July 1st last. If that were so I would recommend every company to strike and strike within 24 hours. I feel on this question of keeping the Truce that it is impossible and I am glad the Minister for Defence agrees with me on that matter. The alternative of war [was] referred to. For me war has no horrors. I am not a bit afraid of war and the men as I know them have no fear of it. We want to get the enemy out of the house, and I consider the position certainly more satisfactory when we get the enemy out of the house than running the risk of trying to get them out by force of arms. The only pleasure in freedom is fighting for it. At the same time we have a big responsibility placed on our shoulders. Lives of young men of Ireland were in our hands and we know that in the building up of the nation we will require them. I am not a bit afraid myself nor are my men afraid of war, but the responsibility rests on this House of offering the young men as [*gap in original*] to for what they can secure now by the mere acceptance of this Treaty. It is no breach of honour. If I felt this was a finality I would not approve of it. I feel that, under it, it will be in a stronger and better position to deal with England. We know too in the intermination [*recte* interpretation] of the Treaty several matters of difference arise and we will have several opportunities of getting back with honour. As regards Mr. Fahy who spoke this morning I think I should say a little about my experience of the country, that I have been in three-quarters of Ireland and I know the position pretty well. During the last six months there I met many Volunteers. As a member of the Headquarters Staff I have been meeting Volunteers in every portion of Ireland and know what they feel and what the country feels in the matter. It is only right therefore and the country should give you the benefit of my experience [*sic*]. I want to say first that if the war is resumed I as one shall be in the forefront and the officers and men will do their best in every way. I agree with the Minister of Defence that since the Truce there has been an improvement in the members and discipline of the men and that they are a little better in the way of equipment. We certainly have improved but we have to consider where the balance of improvement lies, whether on ours or the enemy's side, how far we can carry on with honour as regards Ulster. The Deputy for Monaghan referred to the Partition Act but certain parts of Cavan and certain parts of Donegal would come under the next boundary. We in Monaghan have been able to deal with the enemy there without very many arms. I think Comdt. McKeon will speak for Cavan and I think so far as Donegal is concerned there are several Teachtaí from it here who will speak, but I do say that taking up the five Northern

divisions including County Louth of these counties—and some of the Teachtaí from those areas can contradict me if I am not correct. As regards the Six Counties we have done pretty well in the past against the Orangemen with the equipment we had but we did feel that the enemy were better equipped than we were. If they were not better equipped we would not have to fight against these people because they are cowards but we made damn good use of the material we had. As regards other parts of Ireland, Leinster I need not speak about it—First Eastern Division I want to say I wished it were stronger more particularly around Dublin. He was not important that Dublin enemies centre would be in a better position [*sic*]. In the future I hope they will be able to keep the enemy confined in Dublin. As regards the other portion of Leinster, the men from Wicklow will speak for themselves. We will [*gap in original*] to them please God when the fight begins again. As regards the Midlands they have been covered already but I do want to refer to the Eastern [*recte* Western] Area. I have been all through the West and I am glad to pay my tribute to the Volunteers of the West. I have never met a nobler or manlier body of men than the Volunteers of Connemara and Mayo. The poor fellows often travelled as far as 50 miles to meetings and they have taken full advantage of the Truce to go through an effective course of training. Regarding the question of the Republic, I hold I am a Republican. I hold that the action I am taking in this case is towards the Republic. I feel that to act otherwise would be to deny the men that would secure the Republic arms. I recognise it as a stepping stone only, I regard it as not being final, otherwise I would be false to my oath and my country. As regards the question of coming back the President said he hoped a Republican Party would be returned to An Dáil. I hope so very sincerely. I am not recognised as a Republican. I will not seek re-election. If there is one man or woman who feels I have turned down the Republic I will not seek their suffrages.

MR. MELLOWES: A Chinn Chomhairle, I am not going to make a speech. I am only going to deal with a few things that struck me during the debate yesterday and today. What I want to say is that the nature of a speech will be made at a public meeting of the Dáil. The first thing I noticed was the statements made reiterating that when the negotiations were entered into that all of us swallowed our principles. I want to say I did not swallow any principle, I defy anybody here to tell me that I did. When the Truce broke out, broke out perhaps is the right word, Lloyd George issued his invitation to discuss the Irish situation. I felt that all was perfectly right. The Truce on our part did not involve the breaking of any principle. To have refused to discuss the situation would have certainly put us very wrong in the eyes of the world and when our delegates went to London, and now we are asked why we did not raise any question when they were appointed, I say the thought would have been unworthy of me as a Republican to be questioned on motives of any other Republican but I did not for a moment think or I would have spoken then that the negotiations were going to result in this, in what I can only call without offence to anybody for whom I speak, we may find what I believe the betrayal of the Republic. You could go to London or anywhere to talk about that subject that the delegates went to talk about. I do not believe that we could reach a satisfactory solution of this question because I could never see how the interest of the British Empire and the national aspirations of Ireland could be reconciled and I did not believe at that stage that they could be because the Irish Republic and the British Empire are such vitally different things, one imperial and the other antithesis. I did not see how they could be reconciled but I did think the negotiations gave a unique opportunity of bringing this case of ours to the front and having it thrashed out with the British Government with the eyes of the world looking on. I did not expect the delegates would come back with anything because I did not expect we were going to win the Irish Republic through talking, therefore when people said we swallowed the principle I said not. I stand now where I always stood, for the Irish Republic. The Speaker of the House addressing us yesterday asked us were not we all Republicans, and everybody said yes. I just wish to show what a great deal of harm may be done in thinking. He then asked were any of us Dominion Home Rulers, and everybody said no, and I hold you cannot deny the existence of the Irish Republic and remain a Republican. This Treaty is a denial of the Republic. We are not looking or seeking for Irish

independence. Irish independence existed since 21st January 1919, and it is not to-day we ask for the Republic. We are defending it. Now to me at least it has been an actual thing, not something to be visualised. I hope before God I am prepared to go down in this struggle rather than surrender that principle. To me, I may differ from a great many minds here, the victory was not everything but to me the winning of it was everything. I believe there was only one straight path which leads to this ideal of ours and that it was only by going the straight way when members stand up and tell you they will continue to be Republicans [*sic*]. I have not fought for that Treaty. I do not doubt that in five years hence I venture to say those men will not be Republicans. I for one, holding the principles I do, could not, if this Treaty is approved, have hand, act or part in the Government of this country or serve in what would become to me the Irish dominion, or neither could anybody else who believes as I do. While we would all love to be together as comrades yet the passing of this Treaty would irrevocably break me away from this gathering or other gathering if it accepted this Treaty. We will talk of what will happen in four or five years time. We know that human nature is weak no matter how strong we think ourselves today. After a month of Truce we don't want to go on with another fight. I say after five or six years' peace we will certainly not go on with it. Under the terms of this the people of this country, though you may not think so, because [*recte* become] British citizens and we who stand by the Republic still will I presume rebel against the new Government that would be set up if this Treaty is passed. [It] would to us occupy the same position that Dublin Castle occupied in the past. It would simply stand between us and the British Government. I don't want to hurt anybody's feelings but somebody mentioned South Africa went to fight the British Government. They fought their own people between them and the British Government. Somebody denied, I think it was my friend Alex MacCabe, talked about Nelson and his blind eye. To illustrate his remark you turn your blind eye to the Irish Republic and you save the British Empire.

Somebody yesterday spoke about the wishes of the people. I hold I was elected as a Republican. I never asked anybody to elect me but having been elected I hold I was elected here on the basis of an Irish Republic existing. I have not yet been told that the Irish people scrapped the Irish Republic and when they tell me down in Galway you were elected to get something less I will tell them you may dispense with me. I know that if this question were put before the people that they would vote for this Treaty because they have been left no other choice. The ground here has been cut from under their feet; it would not be a fair test if the people under existing circumstances so that anybody—what we all know [*sic*]. We are warned of the consequences of a split or division but you can only have unity on the principle and those who will depart from this principle are in my opinion responsible for any division or split because those who will alter the status of Ireland for [*recte* from] a Republic will cause any division or split. I am not going to talk about the action of the delegates. They have acted as they thought best but I do say that on the question of unity, of preventing a division, of stopping a split that there is one way it can be done and that is by the rejection of this Treaty. You can come with us but we who are against it cannot go with you. Yesterday from the remarks the President made it might be inferred that you had got to vote either for this Treaty or reject it and that afterwards we could all meet here again and so merrily on. I don't know whether the President meant that or not but I know at this moment we are at the most fateful crisis and that in the history of this country that we have built up we are at this moment on the verge of overturning in my opinion. I am prepared to walk the way we always went —the quiet of peace and war. I suppose the document came in to-day or yesterday but since I was fourteen years of age the question of peace and war does not count in this matter. It does not count in this matter but what does count is this matter we are going to fling away for the fear and the consideration of war the Irish Republic.

MR. O'SULLIVAN: The Deputy for Galway said the question of peace or war does not enter into this discussion as far as he is concerned. I presume he means personally if it were a matter for us to go out and offer up our lives, to do something to make Ireland more free, there would be no need to continue this debate. If we thought that by offering our lives we would make

Ireland better and offer to bring the Irish nation more life we would do it. Some hard, nasty, personal remarks have been passed all day especially as to what the dead would have done. I have no proud memories to relate to this Assembly but I have this to say, that I was the person who hoisted the white flag over the G.P.O. in Easter Week. I did it because Seán MacDermott, Lord have mercy on him, was unable to stand on his feet at the time. That is not a very proud memory; it is a very sad one; but I believe that this act in itself was a good act for the Irish nation; that it is the Irish nation that commits [*recte* counts] whether it be a Republic, a Free State or an Irish Kingdom. My gallant friend, the Deputy for Galway, said that there was no intention of anybody there giving way on the Republic. I feel that we are too much on the word "Republic". Remember the President said if possible we could get an association of the Irish Republic with the British Empire. I take it that he meant the Irish nation would not put the British Empire down to a Republic. It is as I say no part of our business to decide whether the government of this country is to be a Republican government or to be another one. I know why I was elected to this Assembly. The greatest argument I used—and as a matter of fact I used some arguments to get elected. Séamus Lennon the senior member used the same argument and that argument was taken from *Thom's Directory*. The population of county Carlow in 1914 [*recte* 1841] was 86,000 and in 1911 it was 36,000 so that in 70 years Carlow lost 50,000 people. That is the Irish nation we are put here to save; and it is because I said to those people by voting for Séamus Lennon you will be voting to put out of this country the people that did that in 70 years. I have not figures for Kildare but I remember my friend the Minister of [*gap in original*] was then in Belfast Jail I remember at the time. If our figures, and I used a similar argument, count that is what we should remember—individual nations—and our lives should not count but the life of the nation does count. It was because when the people put before them that evil of the race murder, it is because we put that publicly before them when the first Dáil was elected and as I believe legitimately at the [*gap in original*] of the nation. If this Treaty be rejected let us omit from [*recte* for] the moment this issue of peace and war that race of instruction [*recte* destruction] which brought about 50,000 people, not to mention extinction of the natural increase in population, that 50,000 were scattered all over the world and they had become the backbone of the movement which sought the recognition of the Irish Republic in America. Mind the Irish race and people are being extinguished while we sit here arguing whether we will have external or internal association with another nation. Speaking for the 36,000 that are left in the county, there are 16,000 voters, I want to say this about them. I am not going to speak and will not speak on army matters. There are most irregular and unjust questions to these matters here in justice to the Minister for Defence. We should have some statements regarding verification of the charge levelled against the Minister of Defence because I have heard it stated that the Minister responsible did not do all was possible for the procurement of arms. To do that Minister justice and all the members of his staff they did the best they could for Ireland. Of this 36,000 people left in County Carlow when it comes to war every man, woman and child will have to be defended. If you reject the Treaty war is the consequence.

The Deputy went on to refer to army matters and continuing said: In this matter it is not for the soldier to decide what the country should do. What the army will do and can do depends upon the morale of people to build up the Government, maintain it and I say here and I am sure I will not be contradicted that there is no Minister did more than the Army Minister to keep alive the Government of Ireland. That is why I feel a double responsibility in giving an opinion on this Treaty. I heard so many speeches during the past two or three days about people who never compromised or anything left on where I did not compromise [*sic*] but I would like to say that the people of Ireland want Irish freedom and they do not know what a Republic means. If a Republic is the best thing for Ireland they are for a Republic seeing it is the best for Ireland. We are faced today, at least on Monday, with a decision. We are asked to decide between certain types of association, internal and external. The alternative is not leaving the association. We are told we will have to swear an Oath of Allegiance to the

King of England. We have never heard of an oath of allegiance to individuals in this country. We always found these things very hard to swallow. I was enquiring for some friends what exactly this oath meant. You will be told if it means anything from a hundred other things, first it is an oath of allegiance to Ireland. When the Parliament of the new Government of Ireland is set up it will draw up its own constitution to which you are loyal and once said you will be faithful to the king because he is one of the contracting parties. Suppose this person said when a man gets married he promises to be faithful to his wife which is a very different thing from owning allegiance to her (A voice, "Wait until you get married"). Other Deputies insist on telling me their domestic troubles. He explained to me according to English law if one party to the contract is unfaithful that a contract is dissolved. I do not know whether we are bound down in this Assembly to swear that at no future date will we divorce King George but I do know that we certainly cannot swear for the next generation or any other. Somebody referred to the tricolour being draped. I saw the tricolour oftener in mourning than anybody here. I saw the tricolour in mourning when there were very few to look at it, very few who had the courage to look at it covering the remains of two of the greatest soldiers. I speak of Dick McKee and Peadar Clancy. Very few had the courage to come out and see the tricolour draped on their coffins and screw the lids on the coffins. I have been thinking ever since I saw this Treaty of many conversations I had on these two men and I certainly would not say that either of them would vote against this Treaty. It has been said that voting for this Treaty was to run away from the tricolour, to run away from Irish freedom, of [*recte* from] everything good for Ireland. I would just say this much: that I think when there was running away it was not the plenipotentiaries who signed the Treaty who did it. (Hear, hear!).

The session adjourned at 6.15 p.m.

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On resuming the Speaker took the Chair at 7.15 p.m. and called on Miss MacSwiney.

MISS MACSWINEY: At the outset I should like to say that I must ask from the members of the Dáil for forgiveness if I speak too long. I stand here tonight in the name of the dead to ask the men of this Assembly, and I know I need not wish [*sic*] the women, every one of you to face your consciences tonight to ask yourselves if you are going to disunite this country, to create a split where we had the [*recte* been] most perfectly united to all appearances at all events, whether we are going on Monday, before the world, a watching waiting, anxious world, to act together by a large majority so that there need be no questioning if or whether we are going to split this Assembly into two halves and drive the country back again for a generation, and as Deputy Liam Mellowes has already pointed out there is only one way of doing that and that is the way of principle. I have already said that those who stand for expediency could yield to those who stand for right but those who stand for principle could not yield to those who stand for expediency; and tonight and this afternoon I have been more grieved than I have at any time for the last three days to find the young army officers that we were so proud of, the young men whose praise we sent from one [end] of the world to the other, talking like soldiers should not talk. The issue is not between peace and war; it is between right and wrong, and no man could salve his conscience talking about what is necessary for the peace of the country. I have said that I stand here in the name of the dead. One Deputy has already said that he stands here tonight because he was in Ballykinlar not from any merit of his own. I am not going to make to you tonight a sentimental appeal. I want to speak to you logically and I want you to realise that this is a time for the searching of souls as we were told in 1914. Search your souls tonight and in the face of every martyr that ever died for Ireland take an oath in your own hearts now that you will do what is right no matter what influences have been brought to bear on you. I do not speak of my right any more than I do of others to allude to those who have gone but I ask those here tonight who are putting expediency before principle to kindly leave the names of the dead out of their speeches. I consider myself in a different position from most of those who have suffered, for every other person who lost one near and dear to her lost him suddenly. I did not.

For 74 days I eat [*sic*] a thought and let me tell you in 74 days you have much time for thinking. I weighed the cost, I weighed every thought. I am not a fool though I have been told I was a fool if I thought this Dáil did not mean to compromise. I do not think I am a fool and sitting there by that death bed the like of which has never been known in the world before I looked at this question which we are facing tonight from every possible angle from the orthodox point of view, from the national point of view, and I asked myself, when talking with my dying brother I asked him, was it worth the cost, and we decided it was, and one of the last things he ever said to me was, "Thank God there will be no more compromise now". Therefore I have for the last fifteen months given more attention to the matter from every point of view than many members of this Assembly. I have all my life since I grew up been somewhat of a psychologist and a keen student of human nature. I have read the history of my country and I have read the history of Europe pretty thoroughly and of England through and through. I have read not only the histories of these countries but have studied the character of the people, and I must at the outset of this speech of mine tonight, and if it does not enter into detail you will surely forgive me when you realise that this is probably one of the last appeals to those whose minds are still open on this matter. Judging from the many speeches I have heard, judging also from other things I have asked myself tonight is it worth while talking. Has every man in this Assembly already made up his mind for good or for evil? If there is among you tonight [anyone] with an open mind let him listen with an open mind the right versus wrong [principle] versus expediency, and when those of you who have already made up your minds I ask of you to at least listen to see if you cannot change them. It is only a fool who boasts that he never changes his mind then. A great American has said that every man who says he is consistent and will not change his mind simply means that he has no mind to change. We who have been entrusted with the destinies of this country for good or evil in a crisis such as never before has faced us, let us beware how [as] personalities on one side or the other we take a position which future generations will hold us to account for. I am going into the history a little tonight of these negotiations for I consider that the honour of every member of this Dáil has been impeached. My colleague for Cork, Liam de Róiste, has said that Deputy MacDonagh and myself are the only two people who have a right to speak. That is not so. On the dead I issued my challenge and I will come back to my right to answer that challenge in answer to Deputy Hogan in a moment. Several people spoke there and why Mr. MacDonagh and myself should be given the supreme honour of being considered the only sincere people who spoke I do not know. It has been said that the Deputies to the delegation did not exceed their powers. That is conceded by the President. What the powers of plenipotentiaries are supposed to be we had definitions from Webster's dictionary and other dictionaries in the papers for some days past, but everyone knows perfectly well for the last 200 years the word "plenipotentiaries" has been most loosely used. The Germans who went to Versailles recently were called plenipotentiaries but they did not have the power to sign anything until they took it back to their Government, and I hold that our delegation, even if they had the power to sign technically, were in honour by paragraph 3 of the President's instructions not entitled to sign any document at all without their submitting it to An Dáil. But on on the question of the credentials we are told this Dáil sent them with the full knowledge that they were empowered to sign any document. I maintain that An Dáil is only committed to the written statements that the Dáil agreed to and the written credentials given by the President of the Republic. I am going to read for you the very last statement that went out from this door and I shall read it in its entirety, that is the Dáil credentials to the delegation, the Dáil's statement that they were going to stand by and if any Deputy meant less than that I understand he should have said so. Deputy Hogan rather sarcastically enquired what right had any member to challenge any other member to make a speech if he did not want to. I shall deal with that in a moment. Let me give first the credentials given by An Dáil, the terms of reference of the delegation as they went to London. "Sir", writes our President to Mr. Lloyd George, "We have no hesitation in declaring our willingness 'to enter a Conference to ascertain how the association of Ireland

with the community of nations known as the British Empire can best be reconciled with Irish national aspirations'. Our readiness to contemplate such an association was indicated in our letter of August 10th. We have accordingly summoned Dáil Éireann that we may submit to it for ratification the names of the representatives it is our intention to propose. We hope that these representatives will find it possible to be at Inverness on the date you suggest, September 20th. In this final note", it was the Dáil's final note to these plenipotentiaries, "we deem it our duty to reaffirm that our position is and can only be as we have defined it throughout this correspondence. Our nation has formally declared its independence and recognises itself as a sovereign State. It is only as the representatives of that State and as its chosen guardians that we have any authority or powers to act on behalf of our people. As regards the principle of 'Government by the consent of the governed', in the very nature of things it must be the basis of any agreement that will achieve the purpose we have at heart, that is the final reconciliation of our nation with yours. We have suggested no interpretation of that principle save its every-day interpretation, the sense, for example, in which it was understood by the plain men and women of the world when on January 5th, 1918, you said: 'The settlement of the new Europe must be based on such grounds of reason and justice as will give some promise of stability. Therefore it is that we feel that Government with the consent of the governed must be the basis of any territorial settlement in this war'. These words are the true answer to the criticism of our position which your last letter puts forward. The principle was understood then to mean the right of nations that had been annexed to empires against their will to free themselves from the grappling hook. That is the sense in which we understand it. In reality it is your Government, when it seeks to rend our ancient nation and to partition its territory, that would give to the principle an interpretation that 'would undermine the fabric of every democratic State and drive the civilised world back into tribalism.'"

On the 14th of last September that letter was read to the Deputies here present and it was received with loud and prolonged applause. I confess that it was a very great relief to my mind for I had arrived back from America on the 1st of last August and had come straight into an atmosphere of what I can only call compromise. I was told to the right and to the left of me that we could not possibly get a Republic, that the conference meant this, that on the other thing [*sic*]. I maintain that it did not but I went to that meeting on September the 14th in fear and trembling for fear any single vote of principle would be given away and in that letter of the President's I maintain there is not one bit of principle given away and that this Dáil subscribed most heartily to that final note we wrote to Lloyd George. Therefore that was the Dáil's terms of reference to our plenipotentiaries. Next comes the credentials given by the President as head of the Republic of Ireland to the British Government, "In virtue of the authority vested in me by Dáil Éireann I hereby appoint Arthur Griffith T.D."—I need not read all the names—"as envoys plenipotentiary from the Elected Government of the Republic of Ireland to negotiate and conclude on behalf of Ireland with the representatives of his Britannic Majesty George V, a Treaty or Treaties of settlement, association and accommodation between Ireland and the community of nations known as the British Commonwealth in witness whereof I hereunder subscribe my name as President". We have been told that our delegation went without any terms of reference. I maintain that it is not true. They went first and foremost bound by their oath of allegiance to the Irish Republic sarcastic allusions to the nature of which we have heard very often during the last few days. They went bound by the last note of Dáil Éireann to Lloyd George which I have just read for you, and they went bound by the credentials given to them and these credentials were given to them only by the President of the elected Government of the Republic of Ireland. Now formally that much is true. Not in fact but formally Lloyd George refuses to see them as the elected representatives or from the elected Government of the Republic of Ireland. He wanted them to go and settle Dominion Home Rule and we as a Dáil refused to allow them to go as that. We cannot get away from that. Following that letter of the 14th September many telegrams passed between our President and the British Prime Minister. Some of them I told you frankly I did not like. It seemed to me

that there was in the sending of these telegrams a certain weakness. If he did not want us on our terms, I thought, let him go without, but at all events the President's final telegram made the matter clear. He said to Lloyd George that he would not go on his terms without first giving up the principle of our independence and that he was no more entitled to ask us to give up that principle than we were to ask him to recognise our Republic before we went. You all recollect that and I want you to take the facts as I give them to you. I am not asking you to take my word for anything. You all [know] perfectly well that these negotiations in order to thrash us had been going on for months. I was not here when they began. I saw allusions to them in the papers but I had perfect confidence in the President and Cabinet of the Irish Republic and the oaths they had taken to that Republic. I believe they began according to the American papers so far back as last December with Archbishop Clune trying to put a finger in the pie. Then there was somebody else and I believe the Lord Deputy [*recte* Derby] tried to catch our President and I don't know exactly whether I would be giving away any Cabinet secret but I am going to risk it. I learned in America that Lord Derby had come over here and after talking to the President and left him—now remember I am only quoting something I heard months ago—he wrote an unsigned letter saying: "Am I then to understand that you will not meet the representatives of Great Britain unless your independence is first acknowledged?" Now I am only quoting from memory and I am giving you the substance and I have not asked your permission to give it at all but I don't think that anything that has happened in the Cabinet has a right to be kept from the meeting today. I think our President very cleverly answered: "Before answering an unsigned note am I to understand that they cannot enter into a conference unless the principle of Irish independence is first abandoned?" That was the end of Lord Derby. And this I maintain, that from the beginning to the end of this conference matter, as far as the conference itself is concerned, the President has not made a mistake in anything he has said or written for the Republic. Whatever has gone on in the secret conclaves of the Cabinet I do not see that it matters very much. I don't know if any assembly ever came together where there were not differences in the Cabinet. In the documents which were presented to us now is the difference between Tweedledum and Tweedledee? I cannot quite agree with that but I am not going to dwell on that one matter for the moment. I want to deal further with the attitude of this Dáil towards that conference. Now I am in a position here, a curious position, rather an anomalous one in one way, because generally when you are trying to bring people to agreement you are the middle between two extremes, but I am in the position of an extremist between two sets of moderates. I will not call myself a diehard, because I object to that word. Principle is immortal as Mr. Kevin O'Higgins said yesterday and that is about the one thing which he said with which I could agree with him. Principle is immortal and cannot die, and therefore those of us who stand on principle are among the immortals not diehards. I want to take this question and I want you to have patience if I seem to dwell too much on it because it is of vital importance in the present issue. The delegation then went from the Dáil and the last document of that Dáil was an absolutely uncompromising Republican document and I defy anybody to say anything to the contrary. Now there seems to have been in the minds of many a suggestion that compromise was intended, that we could not get a Republic and that nobody could be so foolish as to go to talk to the English unless we meant compromise, but it seems as if I had been talking to the air because certainly it made no difference whatever to the point of view of anybody so far as I could see and therefore I deem it for my honour to say to this Dáil and for the honour of those who think like me that we did not mean to compromise when we sent those men to London and that if we did not get what was consistent with the Republic we meant to turn it down. They were not entitled to sign anything, not entitled by any terms of reference though they might by a legal technicality. We have heard a good deal of talk from the Minister of Finance over and over again about the befogged state of his mind in view of the legal qualities, the legal clauses. Well I confess I know a great deal less than the Minister of Finance about legal clauses. I know nothing about them and I don't want to know. I am quite sure that it must be a supremely honest lawyer who can be an honest man at the same

time. I am but a plain member of this Dáil with a plain straight intelligence that refuses point blank to draw the veil of my hypocrisy over my conscience for anyone. Words must be words and it is absurd for the Minister of Finance to plead that his befogged state arose from legal technicalities. There is nothing legal whatever about that Oath of Allegiance that he is asking us to take, nothing that is not understandable by the intelligence of the merest child. That is not the intelligence of the Minister of Finance for I think one of the most remarkable things is the wonderful intelligence that has been shown by these men to whom the destinies of the country have been committed. Who, six years ago, could have expected this country could have produced at a moment's notice statesmen and soldiers of the highest quality, and that our Cabinet and those who have acted for us in this matter have been the wonder of the world? Our soldiers have commanded admiration of the world, and I am glad that the world has not been listening to some of them today. Who could have expected six years ago that men drawn from all kinds of life, clerks and professors, and plain teachers, and I don't know what business or profession half of them were. But who were they six years ago? Nobodies, and today they stand in a position commanding the admiration of the world, and they stand on it because they stood on the rock of principle and if they compromise they go down in the admiration of the world and they go down absolutely in the admiration of their own people, for say what you like about this Treaty, it is a compromise of principle. We have heard a great deal about war tonight and the horrors of war. You men that talk need not talk to us about war. It is the women who suffer, it is the women who suffer the most of the hardships that war brings. You can go out in the excitement of the fight and it brings its own honour and its own glory. We have to sit at home and work in more humble ways, we have to endure the agony, the sunshines, the torture of misery and the privations which war brings, the horror of nightly visitations to our houses and their consequences. It is easier for you than it is for us, but you will not find in Ireland a woman who has suffered who today will talk as the soldiers here today have talked, and I ask the Minister for Defence, if that is the type of soldier he has, in heaven's name send the women as your officers next time. It is not a laughing matter for anybody, none whatever. I know nothing of our army matters. I say this for myself, that I have never asked a question that I ought not to ask from an officer or anybody who is not entitled to give me information, but I must say this for the officers in Cork that they are absolutely honourable as far as I know and I think if anybody in Cork could get inside information about the army I would get it and I am quite sure, when they don't talk to me, they won't talk to others and they never talk about their secret orders or any army order or anything else. But what have I heard since I came to Dublin, I don't mean in the Dáil but round about the streets of Dublin? Everybody is talking about the condition of the army, everybody is saying that the army is not properly equipped, everybody is saying around the streets of Dublin today that the G.H.Q. did not want to arm them; but I do say this that if it was the business of the Minister of Finance to supply money for arms where needed it was the business of the Headquarters Staff to tell him what they wanted. If the Headquarters Staff did not use this Truce to bring arms into the country they should have done it. You may say they were bound to keep the terms of the Truce, you who are so very loose in your opinions as to what you are or are not bound to by the Oath could surely get arms in under an unsigned document from Sir Hamar Greenwood. In the House of Commons I first learned that the Truce had never been signed and that it was only a verbal agreement and that the English gave me an interpretation of what the Truce of [*recte* was], the Irish gave another, and if that is so I fail to see why the Minister of Defence and G.H.Q. did not spend the time of the Truce arming this country, and they could have done that if they spent as much brain power on that as they have been able to spend on their wonderful escapes which set the country in admiration and the world wondering at them. Why didn't you turn your brains to the responsibility for the arming of this country, turn your brains for getting arms in? Don't tell me you could not have done it. The excuse of expecting any intelligent person to believe that the men who come and go from America, men who can get the President to America and back as they liked, and could not get arms as they liked! They could and I know they could, and I learned

a good deal in America about the slackness of the people in getting arms. I learned a good deal of things in America. I had heard before I left Ireland of the I.R.B. over and over and I knew what I.R.B. meant, and men were bound into it as a secret society and I had a great reverence for it as a body of men with a good old tradition. But I have come to the conclusion for many years past that secret societies are a great mistake. They are a refuge for weaklings, for comrades and informers and for traitors. I do not say that the men of the I.R.B. are like that now or that they have been in recent years of that type, but I learned a good deal in America about the I.R.B. that I never knew before I went there; anyhow I know this, that men who stand as I.R.B. feel themselves bound to stand together. But if you belong to the I.R.B. any of you, remember that your oath to the I.R.B. is subordinate to your oath to the Republic and that the Irish Republican Brotherhood is very much an inferior thing to the Republic established. You should have got arms. That was the discretion about the I.R.B. You should have got arms and you could have got them if you tried hard enough. Don't tell me that the clever men that we have had in G.H.Q. could not do that much. We have been told about this Treaty, and I am not going to talk about this Treaty itself but about the signing of it. We are told by several people that it was signed at the cannon's mouth. If it were it should not have been. I don't consider that is an excuse. It may be an explanation. Mr. Arthur Griffith has declared that he did not sign under duress and how are we going to reconcile those two statements you have read? I presume all of you commandants note. He says they were signed because Mr. Lloyd George shook his papers in the air and got into a rage, and he said that Mr. Griffith was letting him down and that Sir James Craig was waiting for an answer. Really! Sir James Craig waiting for an answer and a gun boat waiting to be put out is the reason why our fight for 750 years is to be lost at the last moment. Who is Sir James Craig, I ask you, that he could not wait on the will and the time of the Irish Republic? What right has Ulster, Belfast as we call it, to dictate as to whether our plenipotentiaries shall or shall not sign a document at any particular hour? Lloyd George gave his word that Sir James Craig should get an answer on Tuesday, but our delegation had given their words that they would bring back any document before they would sign it. Which word should they hold, Lloyd George's or their own? That I quite realise is not the real issue. Lloyd George claimed that he should not be let down, because if they brought back the Treaty and it was rejected he would not be quite sure that it should be signed and he could not be quite sure that it would not be made public or that something about it might not be let out. There is the issue. Perhaps you thought I was going to say something else. That is why Lloyd George shook his papers in their faces; that is why Lloyd George said they should sign or have immediate war, because his political future was at stake. Again I ask the delegation which was more important to them, keeping their word to the Irish Republic or saving Lloyd George's reputation? I believe they honestly believed that Lloyd George meant immediate war. Granted. It was no excuse for them to sign that document. They had given their word to bring back any document, and by paragraph 3 of the President's instructions they were bound to bring back any document before they signed it even though, technically speaking they had permission and power to sign it. Technically speaking they had the power but they had not, honourably speaking, the power, and it seems the irony of fate that, of all people in this country, these five men could be bluffed by Lloyd George; they believed that he meant it. They don't believe it now, at least some of them don't, and it seemed to be rather hard to get some of them to believe it at the time. Atmosphere, yes, atmosphere and the Wizard of Wales were very powerful, and mind I am not decrying Lloyd George's power or influence. He has broken another man, not a great man. Wilson came over here, came over across the Atlantic with a programme so glorious and so magnificent that, if he carried it out, it should have meant the salvation of the world, and the atmosphere of Buckingham Palace, and perhaps of Downing Street, has left Wilson a broken man—broken because he lost his ideals. I have been told by someone whom I respect very much, Wilson was not broken because he was false to his ideals but that he was broken because his ideals were too high for the world at the present stage. I absolutely disagree with that point of view. The world was ready for those ideals at the moment and Wilson could have carried

them out if he had been a man. Atmosphere and the wizard power of Lloyd George have left Wilson a broken, beaten man. Now we want to prevent our people, our nation, our delegation too, from the fate that has come to President Wilson, and it is not too late I believe. Though I was against a secret session, that secret session has at all events left it still in our power to regain our stand. We have lost, and lost terribly, in the last fortnight, but it is not yet beyond our power to get back most of the ground we have lost, particularly from the point of view of publicity. You know how Mr. Griffith, as I reminded you the other day, taught us to read England's tactics with regard to Ireland, taught some of us anyhow, how he spoke to us again and again about that paper wall that England had built round Ireland, and I realise how, the other day, that as far as the world was concerned the thing that tore that first paper wall down to any great extent was Brixton Jail last year, and Cork Jail. It is absolutely true that after Lloyd George sat down at the table with the representatives of our Government he could never again use the words, "Murder Gang." Last year, following my brother's death, I was asked to go to America, and the President asked me then to stay there, and while I was at Washington on the very first morning—I have evidence—I spoke about Ireland's right to conclude an agreement with Germany if she wanted to because I was asked why were not the Irish pro-German. I said Ireland had every right to the propaganda [*recte* be pro-German] if she wanted to, and what was the result? At luncheon time all our good friends gathered around me good friends of Ireland I know, but Irish-Americans in America, I am sorry to say, are 90 per cent of them of the slave-mind type. I was told, "That is not a wise thing for you to say. There is a great horror of the Germans still in this country. It would be just as well you know if you passed that over lightly." After I went back from luncheon, I began by saying I would like to make a statement. I reminded them all of what I had said, and that I had advice given to me at luncheon time, and I said to them it seems to me that some of you good people like the truth and nothing but the truth, but you are afraid of the whole truth. Well, I am not afraid of the whole truth. My country has a Government, my people are a different race and we have exactly as much right to conclude a treaty with Germany if we wanted as our [*recte* your] forefathers did conclude a treaty with France in 1778. I did not think I lost, or my cause lost by my honesty and I want to bring to your mind on that point something which Commandant O'Duffy said tonight or this afternoon. He said that he was speaking last evening to an ecclesiastic, and that in the conversation or argument he argued against the Treaty and not for it, and he spoke rather flippantly, "I said then I may never again shoot a policeman." One does not shoot a policeman. The policemen that were shot were spies and traitors. The question I maintain was a flippant one and the answer he got was, "You would be no worse off than you were before." And it seems to me that in taking that answer Commandant O'Duffy betrayed the Republic for which he declared he stood, because if you took that Treaty and the country accepted it and sent you back, any of you, as a Government, you are in a totally different position to what you were before. It was only because we were a Government and a regularly established Government that we were justified in acting as we did. If you take it that this was not a Government formally set up in 1919 then you are justifying Lloyd George and Hamar Greenwood for calling you murderers and assassins. It has been said that men have taken oaths of allegiance; Redmond and Parnell took oaths of allegiance and we were told today by somebody that a certain man who is a Republican now, said in 1913 that he could take an oath of allegiance. Granted. They were all entitled if you like to take oaths of allegiance then if they considered it the right thing to do. One of my colleagues from Cork, Liam de Róiste, has said that he knows what his people want him to do. Now that is more than I can say and I doubt very much if Liam de Róiste and I went before the citizens of Cork and put the case shortly before them, I doubt very much if Liam de Róiste would find out that he did know as certainly as he thinks. I make this distinction between Liam de Róiste and myself. In 1918 it is absolutely correct to say that the vote given by the citizens of Ireland was rather a vote against the Party than for a Republic definitely. That is absolutely correct. But when the Deputies elected met in the first Dáil Éireann on the 21st January, I think the date was 1919, they took an oath of

allegiance to the Republic of Ireland which was declared on the 24th of April 1916 but which up to that moment had not functioned, and while any man could have taken the Oath of Allegiance if his conscience allowed him to up to that time, no man who since took the oath of allegiance to the Irish Republic from the 21st January 1919 ever can withdraw from that oath for this was recognised by the country and established by the Provisional Government then. That was the manifesto of the Sinn Féin Party [which] they sent out for the elections in 1918 and therefore the Deputies who were elected by a large majority were elected on the understanding that they were Republicans. I call attention to that particularly for two reasons. The first is that it has been said in the last election to which Deputy Hogan alluded that there was no mention of the Republic; the President has contradicted that and his words were very clear and very wise. It was the first time I heard them. It has again shown how careful every written word of his had been, how careful every expression given to the country has been and that is what posterity will judge him on. He did not declare that this was the Republican Manifesto, as Sinn Féin put it in 1918, but he legalised the elections of 1918. I don't remember the exact words but the significance of what he said is very great for all future time. Those who were elected in 1918, even though they went in as Republicans and the vote they got was not an entirely Republican vote, cannot claim that they are not strictly speaking members of the Irish Republican Government. Well, Deputy de Róiste did not get an opportunity last May of going forward for election, because the elections were practically uncontested but if we did not think then that he was going for a Republic I maintain he should have stood down and not gone forward.

MR. DE RÓISTE: Excuse me, Mr. Speaker, so I would have done but on the personal wish of the President I remand [*sic*] it.

COMMANDANT O'DUFFY: I don't know since this Dáil met any more serious statements could be made against a Deputy than that I betrayed the Republic, and I will stand on my feet now until I get an explanation from the speaker as to what she means by saying that I betrayed my country. I have taken part in this fight for some time and I put it before this House. What I have done I don't want to go into but I want justice. I want an explanation of what she means by saying that I betrayed the Republic. I may be emotional. I ask the Leader of the House to show justice to me. I ask the speaker, before she goes any further, to explain what she means by this. If she did not mean to convey these words I will accept her apology immediately.

MISS MACSWINEY: I did not mean, so far as he was personally concerned, that Commandant O'Duffy ever meant to betray the Republic. I know it is a difficult matter. I know perfectly well that the Deputies were elected here. A large number went into election either because they were asked to do it without realising the fundamental things at the bottom of this thing and it was because Commandant O'Duffy allowed that remark to pass that if he shot a policeman in the Irish Free State that he would be no worse off than he was before. Now I quite realise that Commandant O'Duffy did not himself realise what that implied, and I know perfectly well that he did not mean to betray the Republic and I know perfectly well that if we have to go to fight again his work for the Republic will be of a great deal more value than mine. I did not impugn his honour in the very least and I hope he will believe that, and if I gave him the impression that I did, I am sincerely sorry. I don't in the least impugn his honour. What I impugn and what I say is this, no wonder that we are going wrong on this because we don't think enough. The country has been fed with words for generations, with "trust of the leaders", and you know perfectly well that the most anybody will ask you is to save them the trouble of thinking. Now, you who are here tonight must think and think seriously and remember all we have done for the past two years—

COMMANDANT O'DUFFY: I am not entirely satisfied with the explanation given by the speaker who said that I did betray the Republic. I hold that I did not betray it intentionally or unintentionally and it is a wrong, a false, and a malicious construction to put on the words that I used.

MISS MACSWINEY: I am not trying to put any construction that is wrong or malicious. If I said "betrayed the Republic" I wanted to —

COMMANDANT O'DUFFY: You should not use the words. I have a great respect for you, but you should not use the words.

MISS MACSWINEY: If you or anyone shot a policeman in the exercise of his duty as an officer or soldier of the Republican Government of Ireland it was justifiable.

MR. O'DUFFY: What about the men before December 1919? What do you say of them?

MISS MACSWINEY: Let me answer.

MR. O'DUFFY: The statement is so serious and I am sure every Deputy has understood how serious it is and I cannot allow this thing to go out from this Assembly. I would rather be shot on the spot, and would to God I were shot an hour ago, rather than this last statement should be made against me now. It is most unfair, most unjust. Such statements should not be used. We are supposed to act in harmony together here; we are supposed to work together. How could I or anybody else work together or come to a satisfactory conclusion upon this when such a statement as this one is made against the honour of any Irishman?

THE SPEAKER: You have made your complaint sufficiently clear. It is not necessary to make it any clearer.

MISS MACSWINEY: I have said that if the Deputy concerned thought I impugned his honour or said he betrayed the Republic, that I beg to say I meant nothing of the kind and I think the majority of the Deputies here realise perfectly well the difference in what I am saying. He did not betray the Republic in any sense.

COMMANDANT O'DUFFY: I accept that.

MISS MACSWINEY: What I meant to say I say again, that if any man shot a policeman as a spy except in proper war he was doing a wrong act and because we have to mind our acts before the world we have to make that plain. It was the remark, not of the Deputy, but of the ecclesiastic that I objected to.

COMMDT. O'DUFFY: Why didn't you say so?

MISS MACSWINEY: I say this, and it is not a matter for laughing. I say the Deputy, if he looked upon the Government of the Irish Republic as a real Government and not a sham, should have answered that by telling that ecclesiastic to his teeth that he lied.

COMMDT. O'DUFFY: You did not wait for the answer.

MR. COLLIVET: On a point of order. It was understood all the time that, especially with the intense feelings we had for the last couple of days being ventilated, Deputies should not use words or expressions likely to raise a heated atmosphere, and I suggest that the Deputy speaking has used words that should not be used as the result of a jocular incident.

THE SPEAKER: It leads, among other things, to a waste of time and, while there is no limitation of time, I have a list here of 16 persons who wish to speak this evening, and Miss MacSwiney has already been speaking for about an hour. Now, I would ask, in order to economise time if for no better reason that the Deputies when they are speaking would not make these personal rejoinders to each other but confine themselves to the main question, not to be taking up points made by each other and answering them in that personal way but confine them to the main question.

MISS MACSWINEY: I am sorry if I am rather long. It is due to the fact—I have my eyes on my watch and I am not speaking anything like an hour yet.

A DEPUTY: Oh yes, an hour and ten minutes.

MISS MACSWINEY: I hope that I have made it quite clear to Commandant O'Duffy that I did not impugn his personal honour.

COMMANDANT O'DUFFY: I accept that explanation.

MISS MACSWINEY: I am glad of that

for I have told you I stand here for peace and unity. I shall be as quick as I can. I want to call your attention to one thing, and that is the question of this Oath. There is a fundamental difference here and the reason I want to speak to you about that is this: taking that Oath means spiritual surrender in this Dáil and though you may give up physical things you cannot give up spiritual things. That is why I say that you who are willing to take that Oath could come with us. We who are willing [*recte* unwilling] to take it cannot go with you and if there is to be unity it must be [a] unity that will count. Yesterday the Chairman of the House in his speech as a private member, declared himself as an opportunist and a practical man. I would like to read you just one quotation about the opportunists and the practical men taken from the book written by Terence MacSwiney, as a series of articles rather in John MacDermott's paper, and one of the most important was set aside with a leading article of Seán MacDermott's headed, "Damn your concessions, we want our country", and this extract from the "Principles of Freedom" reads as follows—he had been talking about idealists and what that idealist who is a real practical man stands for, "But there is the other self-styled practical man who thinks all this proceeding foolish, cries out for the expedient of the hour. Has he ever realised the promise of his proposals? No, he is the most inefficient person who has ever walked the earth. But for a saving consideration let him go contemplate the wasted efforts of the opportunists in every generation, and the broken projects scattered through the desert places of history." And side by side with that he says, "I stand by this principle: no physical victory can compensate for spiritual surrender. Whatever side denies that is not my side." We cannot surrender for this principle of the Oath. If you mean to keep this Oath, and you don't keep it—if you keep it you cannot say you are true to the Irish Republic; if you take it meaning to break it you are taking a false oath and you have compromised your honour. You could not for the sake of a material advantage accept a spiritual surrender. Why, it reminds us of the Israelites in getting out of the promised land trying to get back to the flesh-pots of Egypt. We want to take this thing which will give us economic prosperity for a while and we will give them, for that, the only thing that has made us stand for our freedom before the world. I feel I cannot keep you any longer, I wanted to say many things. Some of you have been talking today that it is not a question of principle; it is Document No. 1 against Document No. 2. It is nothing of the kind. Document No. 2, in any case, does not contain an oath. Document No. 2 does not give away the principle of the Republic, and I think it was a man today who told us that he was responsible as a good Irish solicitor dropping Pádraig Pearse and the Poblacht na hÉireann and putting in its place Saorstát na hÉireann. Provided you get the thing are you going to be foolish enough to think that you are getting the English army out in a month? England put her army into Egypt in '83 and said it would take it out as soon as the danger of the Turks coming there was over, and it is still there, and you think you can fool Lloyd George into keeping a Treaty which is not even an honest agreement on either side. It is not a Treaty. The King, in his speech did not call it a Treaty but Articles of Agreement. No matter what they put down on the paper for publicity purposes that does not matter. The thing that matters is that you could not take that Treaty without betraying your Oath to the Republic. Now, one thing more I want to say is this. It has been said that we who allowed these delegates to go to London compromised. I want to go back to one thing, the President will corroborate what I say, that I worried him out with letters on the matter. I did not go on rushing into the papers because I did not want to embarrass the Government but I wrote to Mr. Arthur Griffith myself to London. I remonstrated with him on the way our delegation had allowed the press to get away with our standing before the world, and I think the delegation did not do their duty and I wrote to our representative in London, Mr. Art O'Brien. I remonstrated with him about it because I had realised that value of publicity. Mr. Griffith wrote back to me that they should have the confidence of their people no matter what the newspapers said if they were going to do any good and he would not take anything that the Irish people would not accept. I took his word for it; I did give him my confidence. He has not justified my confidence anyhow, and I ask you people to realise now what will be the confidence [*recte* consequence] of your

action if you vote for the ratification of this Treaty. You split the country for a certainty. We cannot help it, it is not our fault. We are no more entitled to give in to you on this principle than the Irish Volunteers were to give in to Redmond in 1914, and those of you who stood on the side of the Irish Volunteers then cannot well stand on the side of the Treaty now. We cannot compromise but I ask you to vote in the name of the dead to unite against this Treaty and let us take the consequence. We are no worse off than we were a fortnight ago. We are better off, according to the Minister for Defence, than we were then when he proposed to start the fight, but not as well off as we might have [*recte* had we] been a little busier getting in arms, but at all events we are no worse off and we have not compromised our honour. This ratification must go to the people not yet trained out of the slavery which the last 100 years have put into these souls. As to whether the majority of the people would take it, what would the majority in 1916 have taken? Somebody quoting Pádraig Pearse said "We have lost this battle but we have saved the soul of the nation", and if you tomorrow ratify this Treaty you would have done the best you could to undo Pádraig Pearse's work and to lose the soul of the nation, for we have to face the fact that our people are only gradually coming out of the slavehood. They are only gradually coming to realise all their rights as free men and after they have had that, the first 10 or 12 years of freedom, to bring them back to the realisation of what freedom ought to be. The reason you are betraying the people who are not able to judge for themselves properly like free men is because they have been in slavery for 120 years and longer, and, therefore, it is up to you not to the country. A united Dáil against that Treaty will be a united country. You can only have a united Dáil by the rejection of the Treaty and I ask you in the name of our martyred dead to, at all events, take the risk. Do a brave thing, a noble thing. If we women who suffer most are willing to take the risk why should you men not do it? You have said that the country will not be behind you. That is a lie for every man that said it. It is a lie and I deny it in the name of the women of Ireland. Anyhow they will not turn down the men who have been fighting for them. They may be disappointed if there is not going to be peace but there is no man, woman or child in the country, the south of Ireland, who will turn down the men who fight for Ireland and it is a gross insult to the people to say so. They won't like it. It is in your hands to bring the people back to where we stood a fortnight ago. We could do it if we had a united Dáil or a large majority for it, and I beg and implore of you in the name of the dead not to split the country. You know what it will mean. It will mean that we will be going back to the old, old fights between ourselves which made us so sick at heart. It will mean the enemy triumphant and laughing and at the end you won't get even the Articles of Agreement, because Lloyd George will know that the minority who stand on principle and against the ratification of that Treaty are the people in the country who count. He will know perfectly well that it is the minority—if we are a minority—that made today possible. It was the minority in 1916 that made 1918 possible; it was that minority all along that made it possible to have this offer today. Turn [down] that offer in the name of God and in the name of our martyred dead. If you take that Treaty you know the position you are placing yourselves in. England's difficulty is still Ireland's opportunity. England's difficulties in Egypt and India and her financial difficulties are the cause of what you saw Churchill said, Churchill who always gives away the show on his own people. "What does it matter", he said, "our financial clauses don't matter because England will have economic control of Ireland still." What does an army of 40,000 matter? You see what they say. Why blind yourselves with the Treaty? For God's sake refuse that Treaty; reject it. Let us stand united before the country on Monday and then the country will stand behind us.

MR. M. COLLINS: I should like to know if you could not proceed to make arrangements to adjourn this session and perhaps it would be necessary for some people to make arrangements for the public session on Monday. The speech of the Deputy from Cork could much more profitably be made in public session and if we all make speeches we are making in the public session I think it is quite useless. I think we should make arrangements to wind up the session so that we could go into public session.

MR. MILROY: If you arrange to have the public session in the Round Room the parties who are responsible for the public session, have they made any arrangements in that direction?

THE PRESIDENT: There were no arrangements made because the question was not decided here as to whether it was feasible or not. The question is for the Dáil to determine. My idea at the beginning was —Mr. Griffith agreed—I did not mind in the slightest—the only point is that it was considered that it would be very much better not to have a crowd because one way or the other you won't be able to maintain strict order and if you wish to risk that then of course that is all right. I have no real strong views one way or the other.

MR. MILROY: If it was not for the very prolonged speech of the last speaker—and I think before the Speaker left the chair he told us he had had 16 other names to place before us of Deputies who wished to speak—now the duration of the last speech—of course I have no desire to put limitation of time but I think that what the last speaker had to say could easily have been condensed into at least one half of the time—and the duration of the time has certainly prevented the private members from expressing their opinions. Were it not for that I should certainly have consented to an adjournment at this moment but in the circumstances I think we will have to remain in session for another couple of hours in order to allow those other private members to speak their minds.

MR. GRIFFITH: We agreed to have the opening session here and we agreed to have all the press here for the reason that if you could take a place like the Round Room you would have a thousand people or so. There would be a tremendous amount of work thrown on the secretaries giving out tickets and there would be charges on both sides undoubtedly of favouritism in giving out tickets. There is no doubt that this might cause partisans of both sides to commence to cheer. I believe we ought to sit here and have a public session as we had on the opening day of [*recte* with] the press.

THE PRESIDENT: I am quite in agreement with Mr. Griffith in that matter. That was the consideration that weighed with me personally and it was I who made the suggestion when we could not get the Round Room originally. I said when I heard it was engaged that this is one of these cases where it is really rather fortunate that it is not available because there would be this clapping and applause.

PROFESSOR STOCKLEY: I propose that the meeting be held here.

MR. MACENTEE: I second that.

MR. D. [*recte* SÉUMAS] FITZGERALD (Cork): It is felt that the press—it has been remarked in fact by both sides—that the press is wholly in favour of the acceptance of the Treaty but if that is so those who do not wish to vote for the acceptance of the Treaty find themselves in this difficulty that they do not believe that the press will give them adequate space and I think that if you agree that the press are to come here that at least we should get a guarantee from the Irish press that unless they report the proceedings in full that they will not be allowed in.

THE PRESIDENT: The Director of Publicity might be able to tell us whether we could get such a guarantee.

MR. D. FITZGERALD: I don't see that the Dublin newspapers could give it entirely in full if we are going on for hours but I think of course the principal speakers, that is to say the mover and seconder on each side, would be given in full unless you make some arrangements with them that they give equal space to each side. They may do that but you couldn't possibly have the whole thing in full.

MR. ETCHINGHAM: I know the way that will be met, if the press is against you every good point won't appear. I raised this point and I raised it because I see English papers full of the challenge that we are afraid to come out in public, we who opposed the signing of the Treaty. Well I don't think any of us are. I would like to see it in the Round Room if it were possible to have it there but it is feared that we still have a division. Still I don't think I will have anyhow. There is none of us want a split. We want unity and I think that something could be done tonight or tomorrow for, if arrangements could have been made for some other hall than this,

I thought arrangements would have been made during the day.

THE DEPUTY SPEAKER: Well we must get through with this list. There are 16 names on it and I wonder if we could come to any arrangement. I don't like to restrict the speakers.

MR. STACK: I think a lot of us are in favour of the Mansion House if it could be arranged to have it in the Mansion House because there is a lot of dissatisfaction. A lot of the foreign press are let in and Irish patriots cannot get a chance.

MR. BRENNAN: I move that it will not be held in the Mansion House.

THE DEPUTY SPEAKER: The motion was that it should be held here.

MR. MACGRATH: The amendment is that it should be held in the Mansion House.

THE DEPUTY SPEAKER: Has that been seconded?

MR. STACK: I second it.

THE DEPUTY SPEAKER: I will take the amendment first.

MR. McGUINNESS: There are about 15 stallholders there. They will finish up tonight but they don't usually take away their stuff until Monday. Any party we send there to square up the place tomorrow they will have to throw the stuff all about. That is the great difficulty—all their goods would be in confusion. I may say myself I am in favour if we could have it.

MADAME MARKIEVICZ: It is for the meeting to choose.

THE DEPUTY SPEAKER: It is proposed and seconded that the public session be held in the Round Room of the Mansion House. This is an amendment to the original proposition.

MR. DAN McCARTHY: Is it possible to know for certain whether we could have the Mansion House?

THE DEPUTY SPEAKER: That the public session be held in the Round Room of the Mansion House. That is the amendment. It is lost. That the public session be held here, carried.

MR. SEÁN T. O'KELLY: Will there be any chance of the suggestion of the Minister of Finance being thought of about arrangements of some kind to assist the Speaker so far as is in our position to have order on Monday and not make such an exhibition as we had on the opening day of this session? We ought to have a definite programme drawn up. The Clerks of the House with the Speaker ought immediately to come to some conclusion so that everybody should know what the Orders of the Day should be for Monday.

MR. MILROY: I suggest that this matter be adjourned for another hour and that the speakers go on.

MR. EOIN MACNEILL: For the second time during this discussion I wish to say something and I hope that all the members will understand that what I have to say now is something profitable. I have done my best to study this situation, the very difficult situation in which we find ourselves. Now it appears to me perfectly plain that the Treaty, which I hold to be a Treaty, that has come before us signed by the plenipotentiaries is in certain important respects—I am criticising it only on one ground—*ultra vires*, that in certain characteristics it is, I am not saying too much or too little but outside not merely the terms of reference at all but outside the entire competence of this legislature. We are in the same position at present as the independent Irish legislature was before the Union and it is held by the best and the highest authorities that that legislature could do nothing to disestablish itself which was not consistent with its own constitution. Now in the Treaty before us there are certain provisions which to my mind are undoubtedly inconsistent with our whole position and with such imposed constitution as we have at present; the Treaty makes certain arrangements with regard to national relations between the Irish Government and the Irish people. The proper business of a treaty is this: a treaty between two Governments that is I think pointed out to you already is acknowledged in its 10th article the proper business of that Treaty.

I don't want to raise a point of controversy at all on that; it is my construction of it; at all events it does not matter—the proper business of a treaty is to regulate the relations between the country which is making the treaty and the country or countries with which it is making the treaty to regulate the international relations between these two countries and not as I hold and as I think we shall all hold to regulate the international [*recte* internal] affairs of one of the two countries, affairs which are properly between the Government of that country and the people of that country. Now it might be held roughly that the first—I would confine your attention to the first four articles of the Treaty and especially the first two—it might be held that articles that deal with international relations and that is so until we come down to words, "with a Parliament having powers to make laws for the peace, order and good government of Ireland and an executive responsible to that Parliament". Now it has been our position all along, and this is where we take a distinctly separate stand from, I think, the first elections in Roscommon or Longford, but in all the subsequent elections I had some part and most of you here had some part in them and you know that at every one of those elections and right on from that time up to now we held that the British legislature had no right to legislate for Ireland, that the British Government had no right to make constitutional provisions for Ireland and on that ground every single member who was elected was pledged not to go into the British Parliament because going there was a recognition of the right of Great Britain to legislate for this country. That principle has been fixed indisputably at all moments from the beginning of these elections down to the present day and in a sense it is the foundation of the position on which we stand. Now, therefore, it is impossible, it is beyond the powers of our Cabinet or of our plenipotentiaries or of ourselves to assent to any instrument or to any phrases in an instrument which we could acknowledge as vesting that power in the British Government or in any function of the British Government. It is only for Ireland itself to decide what authority has powers to make laws for peace, order and good government in Ireland and so on, things of that kind. Except for that phrase the first article in the Treaty could be held, could be well held to regulate external relations alone. The second article it would be far more difficult to put that construction on it. It speaks of the position of the Irish Free State under this constitution which is the position of the third article also. With regard to the fourth article it has been sufficiently discussed already; I don't wish to discuss it any further. These are the four articles which, to my mind, are fundamental of this Treaty. We heard a long exposition with regard to the position which Ireland would occupy under these articles, a careful exposition by Mr. Childers and many others whom I have discussed matters with and especially those who take the historically constitutional view of these things practically on the same lines as Mr. Childers. These articles would introduce into Ireland in some shape or form the authority of the British Government and the real authority of the British Crown or something of that kind. Well now, I am going to make a proposal to you with regard to these things and some people will say when I put that proposal before you that it is a contradiction and that it is not a logical one, that it is not a consistent one. I say that at all events it is not consistent with our necessary position. The proposal that I wish to bring before you is this, that when the motion for the ratification of this Treaty comes before you an amendment shall be brought before you to the following effect —to add to the statement of the resolution stating the ratification the following which shall be stated in the amendment as governing principle first "that nothing in this Treaty"—. Now this is a line of procedure that has been taken over and over again in the American legislature in dealing with treaties with outside countries that, if they were not satisfied with the contents of these treaties, they have dealt with them by riders, addenda added on afterwards. The first statement I would make in the amendment [to] be added to the resolution—I would state these to be governing principles—first, that nothing in this Treaty shall be held to refer to anything but the international relations between Ireland and the other countries and named in articles 1 and 2. Now of course it will be objected that there are things in the Treaty that are outside or inside of the international relations. My answer to that is that I don't care whether they are or not and I ask you not to care

whether they are or not. Leave it to the lawyers and authorities on constitutional law and procedure to be as consistent as ever they like to be; you be as logical with regard to your position as your position calls on you to be. Your position requires you to assent to nothing in this that deals with anything except international relations and therefore you should state in this first provision that nothing in this Treaty shall be construed as dealing except with international relations between Ireland and the countries named in articles 1 and 2. Secondly, that nothing in this Treaty shall be construed—I don't say that the words I am giving are the best possible words because I am only giving them to you as they have come to myself, others may word them a little better but you will get the idea clearly enough—the second provision will be that nothing in this Treaty shall be construed as taking away from the natural sovereign rights of the Irish people. The third addendum that I propose that you should make would be this, that the accommodations and facilities conceded by Ireland to Great Britain in this Treaty for the purpose of defence shall not be allowed to be used in any way to the detriment of Ireland. That provision would give you the right to interfere with any movement of troops, for example, or anything of that kind that did not previously get your own approval and consent. Now I admit plainly that it will at once be claimed that those things are in a sense inconsistent with the Treaty. If they are they are only inconsistent with the Treaty in the sense in which we are bound to be inconsistent with the Treaty. Consequently I point out to you that in order to them [*sic*] you force the British government to state its objections to them, to show wherein they are objectionable. If they attempt to show that those provisions are contrary to the provisions of the Treaty then they will make the following claims in their behalf. First of all, claim to interfere in the international [*recte* internal] concerns of Ireland. They will have to make that claim otherwise they couldn't dispute this first rider which I propose you should add. Secondly in the second rider I propose that you should state that nothing in this Treaty shall contravene that natural sovereign right of the Irish people. If the British government objects to that then it objects to the natural sovereign rights of the Irish people. In the third case if the British government takes objection to the third addendum that facilities and accommodations accorded to the British government for the purpose of defence shall not be allowed to be used in any way for the detriment of Ireland—if they object to that it will be because they are making a claim to use these facilities and accommodations for the detriment of Ireland and I don't think they dare make any of these claims. But suppose they do then you will have before the whole world a clear issue, a very clear issue. You will put the British government hopelessly in the wrong before the entire world and you will compel them, if they want to make war on you or use pressure of any kind on you, they will have to do it on an issue which they cannot morally. Another effect of bringing in a rider of that kind, reservations whatever you like to call it of that kind, would be this that you will make it, if not impossible, at all events ridiculous for the British government to pass a Dominion Act for the benefit of Ireland. You will make it ridiculous for them to pass any such Act. You have already divided the first of those principles. You have already denied them the right to make any internal arrangements for Ireland as between Gt. Britain and Ireland. We can make whatever international regulations the two countries please even if there are disadvantages to one of the two countries. In this arrangement are disadvantages to us, occupations of certain ports. They are not dishonourable to us. When France came to an accommodation with Germany after the Franco-German War she had to part with Alsace-Lorraine. No one ever said that that was in dishonour to France. It was a great disadvantage to France. It was not a dishonour. Her national sovereignty remained unimpaired and finally I would oppose [*recte* propose] this amendment to the resolution and would direct that the resolution so amended be communicated officially, whatever the proper phraseology is, to the British government—that it be a communication from the Irish to the British government. Now with regard to that proposal I don't pretend that it is a proposal that will be satisfactory to everyone here. I do not ask the signatories to the existing Treaty, I would not ask them, to vote for that proposal. I would not ask those who take their stand that nothing at all should be conceded, no

port, no concession whatsoever should be made. I would not ask them to vote for that proposal and I would strongly hope that they would not vote for that proposal. I would hope that, if a proposal of this kind were carried, that there would still remain the [*gap in original*] of people who would adopt the hard and fast position that was stated for us this morning by Mr. Etchingham. I think it would be of the greatest possible value to us in the future if there were such a nucleus. But I would ask all the others here without exception to support that proposal and not to mind in the least what Mr. Childers or Mr. Gavan Duffy might say about its constitutional aspect. This is the twentieth century and these constitutional aspects belong to the nineteenth and the eighteenth and the seventeenth centuries and if what I am putting before you is not in accordance with the constitutional practice of the past we will have just as much right to make constitutional practices as any other country has. We are told that certain things can be read constructively, that, for example, Canada, while it is subject to the British Crown and the King is King of Canada and all that, notwithstanding it is absolutely independent and so independent that it has the right of secession. These things are admitted by public men, by statesmen, that constitutional practice is growing and constitutional law is changing and I propose that we assist at the changing. I know that others will speak and will say that the proposal I am making to you is somewhat illogical. I am not here in order to ask Dáil Éireann to give a lesson in logic to anybody. I don't ask you to publish this Treaty as a treaty of national right which is more important than logic and to declare our national right in the rider or reservations or applause [*recte* annex] that you will put to the resolution moving the Treaty in that form. I believe if you do that you will put the whole difficulty on the other side. If you do that you will certainly prevent anything like a split in our lines of policy in this country. It is impossible that you should foreshadow a split on a policy which asserts that no other country has a right to make any but international arrangements with regard to our country and that no other country has a right to interfere with the natural sovereign rights of the Irish people and that no other country has a right to use accommodations and facilities in this country in any way to the detriment of this country. So I hope you are clear about it because I think it is a thing of the greatest importance. If I am not mistaken the constitutional lawyers are all dead against me but the practical men that Miss MacSwiney does not like, they are all on my side. With regard to the construction of the case which I put before you, if anything occurs I will be very glad to illustrate it.

PRESIDENT DE VALERA: It is not logic. Logic is the basis of commonsense. Now if you have a signed Treaty could you put reservations which negative the articles of it? It is quite obvious if you go for reservations without [*recte* about] meanings that are not quite clear and might be construed against you but if it is in the articles 2 or 3 it is obvious that the Treaty contemplates internal affairs of the British Government, the British Crown in Ireland. You see, it is so absurd from that point of view that I don't see how anybody could stand for it. What I feel is that in article 2 you say we have certain powers in Ireland, then you try to head off. It [*recte* if] there were a question suppose by the associated states you mean so and so is the case and I cannot see how you can put something that is absolutely contradictory to the text of the Treaty in a reservation.

MR. COLLINS: Mr. Speaker, this is a discussion on the Treaty. I have said that I was not a constitutional lawyer, I stand on fact. If we were to discuss the Treaty here I could give every argument that Mr. MacNeill has given, I could show how we could work that out to our advantage. I want to give the interpretation of a man who has faith in Irish aspirations and who means to go before the Irish people of the Free State making our own precedents not occupying [*recte* accepting] precedents of Canada, not accepting the constitutional usage in Canada or any other place because all these things have advanced in the history of these nations and we have done a thing here under this Treaty—I only want to put this publicly because I want to publish it before men of the world who understand these things—we have done a thing here that has never been done in history. It is no longer the

British Empire, it is the community of nations known as the British Empire. The British Empire stood always for domination. The claim is abandoned by Britain; in this Treaty it abandons this domination over Ireland. I want to go into all this not here but in the public session. I want to put it forward on that basis. I want to tear up Document No. 2 on that basis or any other document and I want to show how we can work up our nationhood and freedom, but I do not, as I have said, want to enter into any argument on the Treaty here because we have decided that the Treaty be discussed in public. I have been at a disadvantage all the time until we go into public session. I want to appeal from the members of the Dáil to the general public which does understand these things in the plain Irish way that I understand them myself.

MR. McCARTHY: On a point of order. You asked that Whips would be appointed to assist the business of the House. The Whips have agreed to certain speakers and it has been carried out. The Whips will do no more.

MR. NICHOLLS: As I think everybody should have a chance of expressing their views I will try to condense into ten minutes a reply to a speech which took an hour and a half and in doing so there will be no [*gap in original*] about it. The Deputy from Cork, Miss MacSwiney, told us that if this Treaty is confirmed, I mean ratified, that the country will be split. I say emphatically if you do not ratify it the country will be split indefinitely worse. We all know that.

MADAME MARKIEVICZ: No we don't.

MR. NICHOLLS: Whether it is for good or evil the country does want this Treaty. The issue is right or wrong according to Miss MacSwiney. I agree absolutely and it is a matter for her conscience and every other delegate has his conscience and I do not think it right for any delegation on their conscience [*sic*]. Now on the question of the Treaty we are tackled on the question of principle and we are told a lot about this Oath. Well on the question of principle I must say that I was rather surprised at the delegate who was telling us how to act in accordance with principle for she told us that the man who had taken one oath first should break it in favour of another that he should break later.

MISS MacSWINEY: I never said such a thing.

MR. NICHOLLS: I don't see how that matter was exactly brought in. The question of the men who had taken an oath to the I.R.B., the man who had taken the oath to the Dáil was brought in and we were told that a man who had taken an oath to the I.R.B. would have to break that oath in favour of the Oath. We were told that this was a Dominion oath that will be taken. The Dominion oath is this, "I swear to bear true faith and allegiance to His Majesty King George, his heirs and successors,"—faith and allegiance. The Oath in this Treaty is an absolutely unique one. You have got no oath like it anywhere and I tell you, instead of the delegates we sent over being befogged by the Welsh Wizard, that they befogged the Welsh Wizard in a way that he was never befogged before. The plain rank and file man like myself is impressed with this, I think, that there is no doubt in any of our minds that the issue is ratification of the Treaty or war. When I find the combined brains of the members of the delegation—Arthur Griffith, Michael Collins, Eamonn Duggan, Robert Barton and Gavan Duffy—when we find their combined brains bringing us home this, when I find these combined brains coupled with the spirit of men like Commdt. McKeon, Gearóid O'Sullivan and the numerous survivors of Easter Week that are here, I must certainly say it seems good enough for me in any case. We are appealed to in the name of the dead. I would like to lay great stress on the fact that it is only by the merest coincidence that a great number of members that are here present are alive. They fought for the same principle as the men who died and anyone who would suggest to me that they would be false, well I must say that I cannot understand that person's mind. On the question of documents I would go into documents or read many documents because I will keep my promise and be very brief but the Deputy from Cork says that every line that the President wrote was absolutely clear and that it left the issue absolutely straight and that the issue was all the time a Republic. Well I

will just read two expressions from the correspondence. One is No. 10 in the correspondence, the letter telegraphed by the President de Valera to the British Prime Minister, Sept. 16th, second paragraph: "Throughout the correspondence that has taken place you have defined your Government's position. We have defined ours. If the positions were not so definitely opposed there would indeed be no problem to discuss." The President defined our position according to the Deputy from Cork as a Republican position. Well, these two lines I certainly cannot understand. I don't claim to have very much intelligence but I cannot understand if the position were so clear why the delegates went over at all and why there was a conference at all. The other extract I will read is one from Lloyd George. It is 15 in the correspondence, September 29th. The letter telegraphed by the British Prime Minister to the President and down in the middle you will see: "On this point they must guard themselves against any possible doubt. There is no purpose to be served by any further interchange of explanatory and argumentative communications upon this subject. The position taken up by His Majesty's Government is fundamental to the existence of the British Empire and they cannot alter it." Well as I said I won't go through the correspondence. Without going through the correspondence you will find the position of the British Empire defined so that Ireland must be an essential part of the British Empire and that the question of allegiance was essential and I say, so far from our delegates being befogged, that they absolutely made Lloyd George, the Welsh Wizard, eat his own words in the most ignominious fashion. We all have a duty to our constituents and I must say that I don't understand the attitude taken up by the Minister for Defence when he thought we absolutely should not know something about arguments but at any rate it is all right and I dare say he has good reasons for adopting that attitude but I must say I have been fairly well through the country myself and I suffer from no hallucinations at all as to what intensive warfare will mean. It is ridiculous to suggest that if the war is resumed again that England cannot do things that she never did before. For instance she can arrest, at sight, every man between fifteen and fifty, let out the ones who swear allegiance. She could without firing a shot adopt another attitude. I must say that, having heard the expressions of the military men, that I cannot see what we have in this Treaty to my mind got very nearly all that was ever dreamed of; we have got the power to have an army, got the enemy banished out of the country, except for the retention of one or two forts which would be retained under Document No. 2. If we got that I certainly say that we would not be justified in plunging the country into war. I think I have kept my promise. I have tried to be as brief as I could because I think everybody should get an opportunity to discuss this.

MRS. CLARKE: A Chinn Chomhairle, it has been said that every one of us belonging to this Assembly had given away something when we agreed for these plenipotentiaries to go across to England. I flatly deny that I gave anything away in agreeing to it. I did not speak because I did not feel quite sure in my mind about their going but when I heard the names of the men selected for it they were the men I had learned to have respect for and confidence in, and I believed they would not give anything away any more than I would. I felt safe in keeping my tongue and particularly when the President made the remark such as this, "We must have scapegoats".

PRESIDENT DE VALERA: Oh, no.

MRS. CLARKE: What I felt about these men was how could they allow themselves to be made scapegoats of. I remember that the President—

PRESIDENT DE VALERA: I hope it won't be taken in reference to the position that I was taking in refusing to go over. "Unflinchingly behind" has been used. It was obvious that I was contemplating a possible break in the country and I wanted the country to be behind the delegates in breaking.

MRS. CLARKE: I understand that if these men went over and came to an agreement with the British Government feeling that it was the best thing to do, that they would be rather in the position of scapegoats if the Dáil threw it out after they came back.

PRESIDENT DE VALERA: I forget

what particular idea was in my mind at the time. My idea was that we wanted to be in a strong position and that the Republic would not be injured.

MRS. CLARKE: The main thing that I want to make clear is that I did not give anything away in agreeing to their going over and I did not mean to give it away. What I have to say against the Treaty I will say in the public session. I deny and flatly contradict anyone who dares to say that I gave anything away in agreeing to these plenipotentiaries going to England.

MR. SEÁN HALES: There has been so much speaking over this extraordinary question that the only thing I have to say on it is from the military point of view. If I thought that this Treaty which was being signed was to bar our right to freedom, if it was to be the finality, I wouldn't touch it but I took it that it is to be a jumping off point to attain our alternative ends, because if it is in one year or in ten years, Ireland will regain that freedom which is her destiny and no man can bar it. The only thing is that at the present moment if there was anything like a split it would be more dangerous than anything else. As for our principle we are all pledged to that principle which is to place Ireland in her place amongst the nations of the earth. Some may differ in the plan but I always think, always did think, that we are too many patriots and not enough of Cromwells. Posterity will judge us all yet. There is no getting away from that. When the time comes there is one thing certain. Speaking from the column which I was always with through the battlefields and willing and ready to carry on the fight but still I look upon that Treaty as the best rock from which to jump off for the final accomplishment of the Irish freedom. There is no doubt but speaking in these momentous times because it takes men of iron will to stand up against that question of principle because he would be apt to be misjudged. He might be called a coward. There is no cowardice in it but there is real commonsense in the South. When we were footsore and weary and hungry the people did stand to us and I proclaim it from here there are some in a position today that they are next door to the poor house if the poor house was there but it is not. The only thing that I would like to be understood in is that any kind of disunion would have a terrible effect. As for the people on the whole they are for this Treaty and I don't care what sense they are for it because some vote for any peace. There is no doubt about that; I wouldn't consider it in the case of principle but as a matter of expediency for us. There is hardly one of us here could realise what it is to have that army of occupation gone because in a short time with the building up of the youth of the country, the training of their minds and the training of them as soldiers and the equipping, that the day will soon be at hand when you could place Ireland to my mind in her rightful place amongst the nations of the earth. The feeling in the South amongst the ordinary people is surely for the Treaty, even the best of them were tired and war worn out. There is no getting away from it but still if they are called upon again they will give their help to the soldiers of Ireland. They gave what they had and they will give what is remaining but I consider and I have weighed it up and watched the whole proceedings. I don't speak with animosity to any man but I speak as a soldier because it is the soldiers who will win this fight, it is not the politicians. My friend here on the left has said, "Wily England was always met by [too] much honour and too much principle", and the only way to meet England is after her own game and at the present moment her empire is tottering perhaps. A great man has said, Mitchel, "If I could control the fires of hell I would hurl them against the enemies of my country". We had a great precedent about keeping treaties with England. That morning on the banks of the Shannon when Sarsfield under duress signed that treaty with the English King, foolishly enough, when the assistance of France in ships and men sailed up that Shannon, he honourably kept his word and they honourably broke it. Well, the day is coming when we will pay that back. The only thing is if there is any man well beloved in the South it is the President and it would be very painful for me to think that in any way I should differ from him. There is no fear that the soul of Ireland will die. Ireland's destiny is to be a Republic and the man who gets the closest and soonest to that in the best way is the man.

MRS. O'CALLAGHAN: I don't want to speak to-night. I will speak on Monday.

MR. P. BRENNAN: Just before I get on

to what I have to say there are a few things that the Deputy here from Cork has stated. She stated that you will find no woman who has suffered who would think of accepting this Treaty or something similar. Well, the wife of Christy McCarthy who was killed in action a few weeks before the Truce spoke to me and asked me for God's sake to vote for the Treaty and not plunge the country into war again. She stated also that the people would be behind us in the new fight but they would not be behind with the same heart as they showed in the last fight. Miss MacSwiney said again that England would easily overcome an Irish army of 40,000 men. How much more easily could she overcome an army of—I don't know exactly. Somebody referred to Commandant Seán McKeon as having sounded a note of surrender. Now, supposing you don't ratify this Treaty you can take it that the army, if you want it, will fight again. It is not a note of surrender he sounded. Every commandant is at liberty to sound a note of warning when he sees the dangers and when people who have not been in action don't know what they are but will insist on plunging us into war. Deputy Robinson of Tipperary spoke of the army yesterday or the day before and he said that principle was before discipline. I think that discredits his claim to speak for any army. Discipline is first in any army, not principle. Now I am going to vote for the Treaty and I will tell you why. If this Treaty is rejected the country is plunged into disunion at once. England may not declare [war], she may let us beat ourselves but the probability is that there will be war because you could have seen if you had been minding things that even if this Truce had continued there would be war very soon. Policemen would be shot here and there and they would have satisfaction and gradually the fight would start. If the Treaty is rejected it is obvious that these things would become worse. Therefore we are going to have war. The people want the Treaty and without the people the army couldn't carry on because they were the commissariat and the transport and they gave a protection, and they were most of all Intelligence Department—for every one eye the enemy had [we had] a couple of thousand; that was the way we beat them not with a few rifles and ammunition but with the Intelligence Department, the farmers and labourers, the men of the country. That is how we beat the enemy. We won't have that I hold if we go back to war and why? Because in the minds of the people the Treaty is a good thing, they are out for accepting it. But [if] we go back to war they won't allow us to have that. If there are a few scraps which are not successful the people will say why didn't they accept what they were getting. It is absolutely certain we will lose the support of the civilian population after a few months if we go back to war.

MRS. O'CALLAGHAN: I think I may say a few words now.

THE SPEAKER: I am afraid we must take the next name on the list.

MRS. O'CALLAGHAN: Today I have listened to the speeches of military men. They say—well there is one thing that some of them have and that is discipline. They brought forward the same two arguments in different forms. The two arguments are, "We are a fine body of men. If we only had—". The second argument was, "War is inevitable; anyhow they are disciplined; they have learned their lesson".

DR. WHITE: As I was the one that was primarily responsible for the Dáil having its first meeting in private and if necessary and if the Dáil thought well of it, other private meetings, I think it may be necessary for me to give a few reasons why I thought it. I submit with all due respect that the people in Ireland are in the position that the members of the Dáil were in prior to last Wednesday, that is to say the members of the Dáil knew absolutely nothing of what was taking place. Now I know that President de Valera and the members of the Cabinet did not enter into negotiations. Well, I don't see when all is ended how the negotiations could have otherwise been conducted. Another point too is, as I say, previous to Wednesday I was absolutely ignorant of the conditions of this Treaty and I for one will always refuse to vote for or against a motion until I thoroughly understand as a plain blunt Irishman the gist of what I am going to vote for. Furthermore I think it is a desirable thing for the government of any nation before legislating if you like for the nation to have a chance of meeting together and discussing the various points. Now, I want to say one word. Allow me as a rank and

filer of the Dáil to congratulate the members of the Dáil generally speaking on the decorous manner in which they have conducted this discussion and I only hope and trust in God that whatever the future may have in store for us and whatever future meetings we may have that they will be conducted in the same orderly and friendly manner. We are all Irishmen; we are all members of the Irish delegation and I don't claim to be one versed in technical language. I am, from the moment I took a part in this movement, merely trying to do what I could for my country. Now, the other afternoon Dr. MacCartan made a certain suggestion and I hope to God in the interests of unity that the members of the Cabinet will see their way perhaps to come to some understanding because if the Cabinet remains disunited the dangers or the sufferings of the country are too terrible to contemplate. My speech or my attempt to talk may be rather scrappy but it is as good as I can be and I simply do it as a plain rank and filer of the Dáil. There has been a lot of discussion about our plenipotentiaries who went to London. Now these plenipotentiaries were not cooing doves and they knew perfectly well that they were not going into a nest of cooing birds. They were going into a nest of serpents. When I was a medical student I read in my text books how to operate on tonsils and how to apply a splint but when I came down to practical relations and tried these things I am sorry to say in the beginning I found it a very difficult proposition and I found a hundred difficulties confronting me. These men were specially picked, specially chosen, every one of them suffered for their country. Do you think that those men are not going to do their utmost for their country, that these men have not had, to use a simile, their fingers on the pulse of England? And they knew exactly how far they could go, and I will make this statement that England, before she will let Ireland go ultimately, that she will expend the last farthing and the last man before she allows you to disappear from the grip. England, I believe personally, would sooner let Egypt, Mesopotamia, India, Canada and the rest of the possessions pass from her before she would finally allow Ireland to go from her grip. Now I submit that, with all due respect, that there is certainly something, in my mind anyway, very rotten in the state of England that she should go so far as she has gone. I respectfully admit that in this Treaty we practically possess all we can possess in what we like to call a Republic if you wish . . . The Oath, I suggest, in this Treaty is the oath of the Free State of Ireland. So far as that is concerned I am very easy in my mind. The people of Ireland are taking that Oath under duress and I, as a representative, have consulted as many as I could of my people before I came to Dublin and they were in favour of my voting for this Treaty. I will do as they suggest. Now there was a question raised about the Governor General. The Governor General, before he was elected, must be ratified, I understand, by both Houses. Now both Houses might refuse ever to have a Governor General on a point of salary. They said that they hadn't got the money to pay them and they accordingly kicked him out. Perhaps we may have some opportunity likewise of disposing of this person if he ever appears on the horizon. I understand that the total number of enemies that will man certain specified spots in Ireland will total altogether about 14,000 [*recte* 1,400] men. These men will be there to look after guns and give them the necessary attention, and what we could do later on as regards 1,400 men will be very apparent to any member of this Assembly. The next point is strained relations. It is mentioned in this Treaty, I understand, if strained relations do exist that means that England can send her fleets in any of these places by declaring strained relations with any power and strained relations will be tantamount to a mobilisation. If mobilisation means anything it means that the vessels would have to mobilise in England and furthermore under this Treaty we would have a representative on the League of Nations. I fancy that if England does anything like that that we will be disposed of at the League of Nations. Now this Treaty has by some been called a shadow. I respectfully submit that it contains 99 per cent of the substance and I further say that the shadow of England has disappeared practically to the minimum and I for one as a plain Irishman fail to see what more we could do from an economic point of view and for the development of the country under a Republic than we could do under this measure of the Treaty. Now, the army of the Republic—and God bless the members of the army of the Republic who had the moral courage to

come here today and express their views—they have proved their bravery on the field of battle. Under the terms of the Treaty I understand that you will have about 30,000 or 40,000 men here in Ireland fully equipped and fully trained. That will be a matter for the Government. Like my friend Michael Collins I am a plain blunt Irishman unused to technical terms and used [*recte* unused] to words like "instrument" and "in accordance with the British constitution" and the rest of it. I am here as a simple country practitioner endeavouring to do the best he can for his country and I understand that under the provisions of the Treaty Ulster will have to pay to the English Exchequer about 8 millions per annum. I have for the past year and a half presided at the Boycott Committee to boycott Belfast and beg to say, working in communion with the rest of the Irish committees throughout Ireland, that Belfast is beginning to feel the pinch. I don't know whether we can, under this Treaty, legislate against Belfast. If we can then that would help to knock out Belfast very quickly. In any case we can, if it were possible, accentuate and make the boycott against Belfast more tight and you may take it for granted that the men of Belfast are not fools and even now at the present moment I personally am of opinion—I may be wrong— I personally am of opinion that Belfast would come into Ireland very very quickly. Ulster is in a vice and she knows it and her businessmen are not fools. Now, I say this with all due respect, it may have been possible that Wolfe Tone and maybe some of the '46 and '67 men may have said, "If we do not attain Irish independence in this generation we will attain it in the next". They may have said that. Now, these men were heroes, great national heroes and patriots. They went out and did their best and I thoroughly agree with the Speaker, "I will be a compromiser and an opportunist", but if you give me a rock from which I can spring off at England's throat I will vote for it and I will stand by it and I will vote for and stand by the Treaty on that account. Now, before coming up here I asked men who had worked with me in my place, "What is your opinion as regards this Treaty?" And they gave me their opinion so far as they could make it out that the Treaty should be voted for. "Vox populi vox Dei est." It is the voice of the people and as our President said, I think, subject to correction, he mentioned that if this question were put to the country tomorrow he would have the country, I think, voting for its ratification. I am satisfied on that point and if the voice of the people is the voice of God then I say we should certainly do as the people desire us. We, unfortunately, are not in the position of three men whom we all love and respect, differing on this terrible, this vital question. I submit that the work for Ireland is only now beginning and it is now more than ever we want these men, and I ask them in the name of God, in the name of Ireland and in the name of humanity, to come together and try and work out some proposition that will not split the country. As I say, the consequences are too awful to contemplate and we would be playing into the enemies' hands. Disunion, unhappily, was the curse of Ireland and surely to God Tantalus's cup is not now once again to be dashed from the lips of Dark Rosaleen. Surely to God the men that we all love and cherish, the men who have suffered, aye, and the women who have suffered, surely to God these men are not now going to stab the dagger of disunion to the heart of Dark Rosaleen. In the name of God and in the name of Ireland and in the name of humanity I ask these men as a humble member of the Dáil for all they hold near and dear to come together and see if we cannot form up the thin green line against the scarlet hordes of the invader.

THE SPEAKER: As it is now past ten o'clock the Whips have agreed that there be only two more speakers.

MR. SEÁN MOYLAN: There is a little for me to say. As one who has made up his mind about the Treaty and who has since he came up to this meeting heard nothing that would make him change his views, I would like to say a few words. Most of the soldier members of the Dáil who have spoken at all have been more or less favourable to the Treaty. Now the Minister of Finance and the delegation need no justification in my eyes. There is no necessity for saving their faces and I think, and I have been thinking all the time for the past few days, that what really is before the House is the question of ratification or non-ratification of the Treaty. There has been a whole lot of talk about it and none directly to the point. Now I will vote against this Treaty. If the Dáil ratifies it I

would like to make it perfectly clear until the new Government comes into power I as a soldier can speak for my brigade area will stand for the existing Government. If the Treaty is not to be ratified and there is to be war I take it that the Minister of Defence will be in his place. While I vote against the Treaty I know that that war is real war. Some member today said that we did not know what real war was. He mentioned on a point of fact Balbriggan as proof that there was no war in Ireland. I also heard of a place called Lunriain [*sic*], and the people who have spoken about it were only using it as propaganda and the effect that there was no real war on. I know down in our area there was real war on. There has been a whole lot talked about the terror of war. The question is not a question of peace or war for me. It is a question of right or wrong. Now, war is bad enough God knows, but a lot of the soldier Deputies have been putting it up to you in a worse light than it really is. I wonder now I realise my duty to the Government both as a member of this Dáil and as a soldier and I have heard a very peculiar statement. I am not going to tell you what arms I have. There was a question of honour raised here yesterday. Deputy Seán MacEntee said did he take it that the Truce was meant to be used as a chance of the reorganising our army, of getting them into a better fighting position; somebody questioned the honour of the attitude. Was it any less honourable for us to shift our ground and try to be prepared better the next time? I hold that the true pacifist was the man who prepared for this war. I came here out of Spike to your meeting last August, and I went home fully believing that the Truce was not going to bring us a Republic by negotiation; I couldn't see it; I am only a country working man. I did not see that we were going to be put into a position to work for the Republic and my duty was to go down to Cork to my own brigade area to try and equip my men and be ready for the war. Whoever has spoken for the men or women of the Dáil for sending delegates to London, I am not responsible for them anyway; I am responsible simply as a soldier. Like the Minister for Finance I am a plain man and I don't know anything about formulas and forms of words, but even if I did I would vote against this Treaty. I would put it up seriously to the men who are voting against the Treaty are they doing the right thing now or if they did the right thing last August. Have the men who are going to vote against this Treaty started their preparations for war? But the men who will vote for the non-ratification of this Treaty, it will be their duty to accept responsibility for the war. It will be their duty to fight in the war. It will be their duty also to give a lead in the war now on tomorrow. When the war breaks out is not the time for these men to make preparations. If they saw it as clearly as I, in my own tinpot way, saw it, that this war was to come, if they saw as a lot of them tell us they saw it as there was no chance of a Republic, did they try to make a fight for a Republic? Will each Deputy who is going to vote against it—let him put that question to himself before he will cast his vote. I say I came here to vote against the Treaty as I am going to vote against it—let him put that question to himself before he will cast his vote. I say I came here to vote against the Treaty. But I have seen nothing and heard nothing since that would change my views on it. The Minister of Finance said he has a fine pronouncement to make. If he has anything to persuade me to it I am open to conviction. I was not idle since I came out of jail. I am ready for war in my brigade area. I have mapped out my course. I know what I am going to do. There has been a question asked here today by several members, "What will the civil population think of it?" I can speak for the people in North Cork—they won't let me down. There is another point and I am not in a [*gap in original*] of war. It is this. In one brigade we were told there were . . . revolvers. In my brigade it was a kick of a hurley that was our first revolver. The President knows what I think of him and what every member of the Dáil thinks of him. The Minister of Finance, the man who made the army, knows what I think of him too. Is there any way out of it by which we could reunite them?

MR. CATHAL BRUGHA here made a statement in reply to the last speaker as to how the army stood.

MR. SEÁN McGARRY: I am not going to make a speech. However, before I commence what I have to say I want to make a little personal explanation. It was stated to me that I said something at the first meeting of the Dáil that I should not have said, something that might be regarded as

disrespectful to the President. I don't remember it and I didn't intend it and I apologise for it now. At the outset I may say that I am going to vote for the ratification of this Treaty, the reasons I will give for voting for this I will give at the public session. I am not going to give reasons here because I objected at the beginning to the ratification being discussed in private. I have still the same objection. There are just two things I want to say. There has been a lot of talk here in the Dáil about the people who object to the Oath [and who] put forward an alternative document, clause 6 of which says, "That for the purposes of the Association Ireland shall recognise His Britannic Majesty as Head of the Association." Now I don't care whether I give my oath or my word and I hope and trust that every member of the Dáil believes that his word is as good as his oath. Now somebody here used the word that they were gambling on the fact that there would not be war if this thing were not ratified. I am willing to gamble on the last shilling; I am willing to gamble my own life but I am not willing to gamble with the lives of other people. Now, I was accused today by somebody [of] lobbying outside or betraying the men with whom I have worked and who are dead. I was told I was a renegade; I was also told they would turn in their graves if they knew I was going to vote for this Treaty. I don't believe it. I think there are very few in this Dáil in as good a position to know the minds of the men who helped to create this Assembly, whom I worked with for years, to say what they would think of it. I was told today that we went out in Easter Week to fight for an Irish Republic; we went out in the name of the Irish Republic with no hope of getting an Irish Republic; we went out to make a protest and every one of us who went out who wasn't a fool never expected to come back; some of us came back; some of us didn't, I am very sorry to say. But every man that went out went to make a protest because it was felt that the protest was necessary. But I say here and now we would not have waited for 1916 to fight for a Republic if the British army had evacuated the country and then we would not have gone out without hope of a Republic in 1916 if the British army was not in occupation (cheers).

MR. SEÁN [*recte* SÉUMAS] MAC GEARAILT: On his name being called by the Speaker, he said: Well, honestly, Mr. Speaker, I thought I was off the list (laughter).

DR. FERRAN: I will not be disciplined in the Dáil but I will be disciplined outside the Dáil behind Cathal Brugha. Before I did say I am ready to expect [*recte* accept] the discipline of the army outside and I will do what I can for the fighting cause. It is not perhaps light work; unfortunately I suffer from heart disease but I have not the form of heart disease I have seen in this room today. I was ashamed. I have listened to men whom I thought would rank amongst the legendary heroes of Ireland; I wish to think so still. I think of course their talking is not consistent with the honour of the past. I say that no state born in dishonour can leave an [*recte* live in] honour. I have heard tonight men speak of what can be done under a new set of circumstances. We should have Ireland filled with the arms ready to gobble up England. Now, I hold if every spade were a rifle and every rolling pin a hand grenade and every sucking bottle an egg and if we lost our honour and lost our position before the world then England could blow us to pieces. Now I said I was going to make a suggestion, it would be a breach of discipline outside. If it could be proved the army can no longer fight there is one more honourable course open to them than the course some of them propose to take. Why not surrender? Why not surrender every gun and every man? It is not a more dishonourable course to surrender their bodies and their arms than to surrender the Republic which they were constituted to defend. And I say that even in that event we can still beat England so long as there is one Terence MacSwiney to die in a cell and so long as that man represents the soul of the nation of Ireland. Ireland is not beaten and Ireland will win. They are going to propose to the people of Ireland on Monday and every word they say will rise in judgment against them if they defend it on its merits. Let them in stating this imperial document, since they must bring it, let them bring it on the point of a British bayonet.

MR. M. COLLINS: That's the sort of stuff now. What we will say in making our case will be all that will be necessary.

Particularly from the last Deputy I don't want to hear anything—particularly from the last Deputy.

DR. FERRAN: I want an explanation of it.

MR. M. COLLINS: You have no right to make a statement about any one of the delegates. I don't want to hear anything from any Deputy who made such a statement; you were the only Deputy who made such a statement.

MR. P. Ó MÁILLE: As there are Deputies who have not spoken why not a session be held for an hour or two tomorrow?

MR. SEÁN [*recte* SÉUMAS] MAC GEARAILT: I will try to be brief. First I am going to vote against the ratification of this Treaty. I was elected here by the people who gave me a mandate to secure a Republic in plain common words. I don't believe that it is within my power to go outside of the exercise of the mandate unless they on their part wish to withdraw from me the mandate and then they can do as they please themselves. Now, a word or two about the men with whom I am in contact. In my own special area it was rather a singular thing that those men who are officers in command of the Volunteers had taken up a very strange attitude last year. There was an oath of allegiance to be administered to all Volunteers. These men had taken up what might seem to you a strange attitude when they didn't take the oath. They feared the Dáil might change and they wanted to keep themselves straight. These men could not possibly accept the Treaty for very many reasons. They are a small battalion, not a small brigade or division. I am a member of one company of it. I am proud to say Deputies here are opposing this Treaty in the firm belief that it would cause a split if they were to vote for the Treaty. I feel very sorry that I will have to go back and tell those men that are prepared so long to stand by their rights and honour that a tremendous effort was not made for possible unity within our ranks. I am against the Treaty for two prime reasons. First of all it does not compare from the point of view that it compromises me in very many ways with the draft of the Treaty as made out in the President's document. In the first place it contains the two words, "in virtue of the common citizenship of Ireland with Great Britain". Perhaps there might be some statement from the House explaining "common citizenship". I prefer the President's term even if I expect to take the very reciprocal citizenship I will be in the very same position as the British government supposes me to be at present. "British citizenship" that I will never be now practically under the words of the Treaty if it were adopted [*sic*]. And I wish to draw your attention once more to what has been said by others that the English forces are not being taken out of this country. I know if this Treaty is passed I will see them every morning and night. I happen to live in Cobh. In the morning I will see the British battleships moored to the moorings. Camden and Carlisle Fort will be manned with marines some appreciable proportion of the thousand odd officers and men that Lloyd George specified in the House of Commons. Now what sort of influence is that going to have upon the district around Cork harbour? It has been said on the ratification side that the Governor General that has to be set up in Ireland will extend a certain amount of patronage. Therefore we will not only have one stronghold of Britain in Ulster but one in Dublin and also one in Cobh. You must if necessary have some individual there who will take control in and going out of British naval ships. He will also exercise the same influence that the Governor General will exercise in Dublin. The difference is this between the two treaties that I would not care if I knew that I would only see the men for 5, 10 or 20 years, and [as] for the draft of the Treaty as far as I know Lloyd George has proved himself to be a trickster. I know very well that the condition of affairs will last for ever and that is a thing that the men who count down in our area could not countenance.

MR. ARTHUR GRIFFITH: The draft Treaty in all probability the delegates thought would be accepted unanimously by the Dáil. Now I knew there were certain contingencies that would arise. If we were to get complete control of Ireland I would not be in favour of Haulbowline being retained as a British dockyard. I know what the meaning of such a dockyard would be, and I wished to see the end of it. They came back and they accepted as to Ulster this Treaty. British ships of war

will come up and go out and they will enjoy all the advantages of the finest harbour in the world, therefore why could you not get some repayments for the people of the district? Why not accept the government dockyards established there and I was not prepared to say that a government dockyard would be established in Cobh.

MR. COSGRAVE: The Republican district of Cobh sent a deputation over to Westminster to keep them there.

MR. MACGEARAILT: The Minister of Local Government knows I was out of Cobh for practically 18 months.

Speaking in Irish MR. FINIAN LYNCH said: I want at the start to say and to have you understand that I am very strongly in favour of this Treaty. On the very first day the President said that the ratification of the Treaty by the Dáil was *ultra vires*. Well now since that time he has harped and harped upon ratification of the Treaty. He has used the word time and again.

THE PRESIDENT: I was going to ask Mr. Griffith the terms of his resolution. I hold it cannot be ratified and if I used the word it was used as common speech.

MR. F. LYNCH: He said it was only in the power of the Dáil to recommend it to the country.

THE PRESIDENT: There are two things it may do. It can itself approve or disapprove of it. It could also recommend it to the country or not recommend it.

MR. LYNCH: I understand you to say that the only thing within the power of the Dáil is to recommend it to the country. I also wanted to know, if it was in the power of the Dáil to recommend it, had they the power to reject it. It has been put up here in the Dáil to prevent a split that those who stand for the Treaty should come over. Now I hold it is not the people who stand for the Treaty who are going to be responsible for the split. I hold it is the people who go out from this Assembly to the country who will cause a split. Now I will give you my reasons briefly. I will give you my reasons briefly for standing for the Treaty. I stand for it inasmuch as it gives this country an army in the first instance. I am not a great soldier and I am not going to boast about my heroism. I cannot boast about any heroism because when the real war came on I was unanimously [*sic*] captured and I spent my time in jail nice and safe when other men were fighting. But I did my best. I stand for the Treaty because it gives this country control over education. It gives it an opportunity of building up the Gaelic state as was referred to by somebody yesterday. It gives the country control over its own finances; something that we have been hearing a lot about for many years past as the be-all and the end-all of Irish aspirations. It gets finally the British army out of Ireland and even though my friend Deputy Etchingham says that it only exchanges the khaki man for the marines we have got both the marines and khaki men here now. (Deputy: And the Black and Tans). And this document put up by the President provides for the marines just as the Treaty does.

THE PRESIDENT: Only for five years.

MR. LYNCH: This Treaty we have been told over and over in the House is a compromise. It is a compromise and so is that of the President. The difference is just a matter of degree. This compromise Document No. 2 leads you nowhere but into war. The other compromise delivers some kind of goods. I stand for the compromise that brings us back to war [*sic*]. The man who compromises to lead you nowhere is no good to me. If it is a choice of compromise I will have the compromise that leads me somewhere and that gives me some hold over the country. Now there has been a good deal of bandying of words and casting aspersions from one side of the House to the other as to the abandonment of principle and whoever was responsible. I say it was the President that suggested that oath. It was not the plenipotentiaries.

THE PRESIDENT: I did not suggest that oath. It was only a question of amendment.

MR. LYNCH: At any rate you accept the fact that it was necessary for some form of oath if you have external association. Well the compromise did not start there and in spite of Deputy Miss MacSwiney and in spite of her challenge I really did not mind because in the ordinary way I

took it as a challenge which you hear from a rhetorical orator. I therefore say that the abandonment of principle was when the delegation was sent over there either on the first day when we sent them over to consider how best the association of nations and so on can be reconciled with Irish national aspirations. I as one plain man of the Dáil assumed that that meant compromise and I approve of it as the only way out under the circumstances and if that is opportunism then I am an opportunist, and if it is expediency then I stand for expediency. But I choose to consider it as a realisation of facts and I think it would be a very good thing for the members of the Dáil if they faced facts as they heard them here today from those who know them. Therefore, I hold that on neither side is there a monopoly of principle. Now I do not want to dwell on the President's document. It is practically withdrawn. But if you are going to lead the country back to war on the difference between that document and the Treaty I know what the Irish people would think of you. Well I know them. I know the feeling of my constituents and the feeling of the people who sent me here. I have had it by wire every day since this thing started. I know what they would think of me if I carried them back to war as against that Treaty which we have got which is signed by the plenipotentiaries. Now I have said that I am no hero, but if we have to go back to war I will guarantee I will take my stand as well as any man on the opposite side. I do not think there is one of them can challenge that. But going back to war to die yourself is one thing and leading back those whom you represent is another thing, sacrificing the lives and property of 16,000 or 17,000 people whom I hold that I represent. And that is quite another proposition and I in consequence of the knowledge of facts as we heard them here today could not do it, and with a knowledge of the facts of the conditions of the brigade in the constituency that I represent could not do it. Now there was another thing; I know what people will think about if we reject that Treaty. They will look on us as rather good, decent fellows. Alright, it up to a certain stage brought about the situation very gallantly by a very gallant fight but you did not know that you had brought about the situation that you actually had brought about. That is what the people will think and there was another thing, a point made by the member for Monaghan—Deputy Seán MacEntee—that he was against this Treaty because of the possibly implored [*sic*] partition. I find the President in his document has identically the same clause with a preamble but identically the same in substance. I am sorry the Deputy for Monaghan has now left the room. I was wondering whether he supported this Document No. 2 as against the Treaty, because he said that he stood out merely against this Treaty, that he had always stood on the question of unity. I find the same thing in the two documents; I find again in the two documents this thing that has been raised by Deputy MacGearailt mooring buoys and the rest of it and they are still in Document No. 2.

THE PRESIDENT: Five years.

MR. FINIAN LYNCH: And how are you going to get rid of them then?

THE PRESIDENT: Just as easy as now.

MRS. MARGARET PEARSE: I would like to say that here today two or three times the name of Pádraig Pearse was mentioned and in a dishonourable way. That was that he would accept that Treaty; neither will I. In the first place, with both my sons against it I would not accept it. Since 1916, with the exception of the visits of the Black and Tans I had comfortable night's rest, but if I signed that Treaty or accepted it I assure you I would not have any night's rest, for I would be haunted by the ghosts of my sons. I hope in God that I will see that while I see here tonight several men who are going wrong that they will come right and will do what Pádraig Pearse would have done. Let them go back to O'Donovan Rossa's grave and listen to him there, and for one moment do they think that the man who spoke as he did at O'Donovan Rossa's grave would accept that Treaty? No, nor neither would his brother or his mother. I have several letters from people who sent me here reminding me of my duty. There was no necessity to remind me of it. They should know me. They pointed out to me how they elected me and what they elected me for—to do my duty, and I mean to.

THE PRESIDENT: I am sorry that we have not a more complete House because the whole object for which I put this paper before you has evidently been lost sight of—that you might make such amendments as you think fit which would enable you as a body, if you were so disposed, to reject the Treaty and immediately after make that united offer to the British Government. I have amended it myself. I have cut out the last clauses myself because I think that it is very much better that we should make this question and that we should simply say as regards Ulster that we offer to meet them and so on. Now the most unfair things have been said about that document. That is a Republican document that is as true to the Republic, every line of it, as any document that I wrote to Lloyd George, and I defy anybody to show anything in it inconsistent with the statements put forward by the head of the existing Government. It is a proposition that might be made by France to Britain, or by the United States to Britain. There is not a line in it that is not consistent with the Republic. What it states is that the Republic is willing to make for certain reasons a treaty of association with an outside power. I say there is all [the] difference in the world between the existing document and for one I would be willing to break on that document, and if you had imagination to see it you would, tomorrow, reject that Treaty and accept the other. There is a gamble. We have all tried to look into the future as well as we can. When I asked you to give your sanction to paragraph 2 somebody said I was a compromise [*sic*] by putting in this paragraph. I said Lloyd George wants to make war on us; let him make war on us. If he wants peace he will swallow that. And this is a proposal which I hold that the people could not make war on the Irish people, and I say again that I have as much responsibility for the lives of the people in Ireland as I have as much hatred of war as anybody and there is no argument put forward for the acceptance of the Treaty that I have not in my own mind. It is only my political sense that tells me you would not have war on that. I put this document before the Dáil that they might consider it and make amendments to it and it would be the most magnificent gesture that was ever made by a small nation.

The House adjourned at 11.20 p.m. to 11 o'clock on Monday morning.

[The Dáil met on Monday, 19th December, 1921, in public session.]

# DÁIL ÉIREANN

PRIVATE SESSION

Friday, 6th January, 1922

[The House at the public meeting of 5th January, 1922, decided to sit in private on the following morning.]

Dáil Éireann assembled in private session. The Deputy Speaker took the Chair at 11.35 a.m.

MR. D. CEANNT: I beg to draw attention to the fact that it is twenty-five minutes to twelve, and we were supposed to be here at eleven. We are playing with ourselves and with the people. We ought to face the issue fairly and squarely and not be hedging. The people believe we are humbugging them. Finish the whole thing up.

THE DEPUTY SPEAKER: There has just come a message from the Speaker regretting his inability to attend here owing to illness. That is the cause of delay.

MR. G. NICHOLLS: What time did the message come?

THE DEPUTY SPEAKER: I got it five minutes ago. Now we shall have the report of this Committee.

MR. EOIN O'DUFFY: This is the report of the conferences that we held on Wednesday night, Thursday morning, and last night: "A meeting informally arranged and consisting of five Deputies from the anti-Treaty side, and four men from the Treaty side was held at the house of Deputy Seán T. O'Kelly on Wednesday night. Those present were, anti-Treaty side: Deputies O'Kelly, Mellowes, Ruttledge, Moylan and O'Connor. Treaty side: Deputies Hogan, McGuinness, Hayes and O'Duffy. Agreement was reached with Deputy Liam Mellowes dissenting." Now as regards the nature of that agreement, those on the anti-Treaty side do not wish that now disclosed. Is that correct?

DEPUTIES O'KELLY and O'CONNOR: Yes.

MR. EOIN O'DUFFY: Well, agreement was reached here, and we want to settle that particular matter now. I have the full particulars of the point settled before we read the agreement.

MR. P. HUGHES: I do not see why this information should be withheld from the House. This thing was not initiated by either the President or the Minister for Foreign Affairs. It is initiated from the private members of the House and I think we are entitled to know what has happened, and what were the bases of agreement, at any rate, and what are the bases of the differences that came about yesterday. I think the House is entitled to know that, and I move accordingly.

DR. MACCARTAN: I beg to second that.

MR. SEÁN T. O'KELLY: An effort was made to see if some basis of agreement could be arrived at. The thing was very informal. We met to have a talk amongst ourselves. There was certain agreement come to on certain lines. It was stated by me before the meeting broke up that of course this was to be taken as private, and nothing published without the consent of all parties, and there was no dissent. If we met anywhere have we not the right to talk and discuss matters without having anybody public, private, or anything else, to demand the right to know? (Voices, You have not). If we met in private, what right has anyone to know? We talked amongst ourselves, and we came to certain agreements which were submitted to our leaders. There was

acceptance to some extent on one side and rejection on the other side; therefore we maintain that matter ended. We did try then to come to an agreement as a result of your mandate to us and we read over what we did agree to the night previously. We dropped certain parts to which there was strong objection, and there were other parts to which we all agreed. We agreed unanimously that could be put the Dáil and in explanation of how much agreement we made. We could start by telling the Dáil what was done last night, on the undertaking that what we did would have to be put before the Dáil. If we did that there may be some way out. From my point of view I would look on it as a breach of agreement to put before the Dáil anything that was done by the private meeting. There was no understanding that anyone would see it but the people who made it. If anyone wants to see it in private I have no objection; but this is not a document to be put before the Dáil. On some paragraphs there was practical unanimity, but on other paragraphs there was less agreement and on the total we disagreed.

MR. R. MULCAHY: I think it is reasonable to take up the attitude that what this House is concerned with is the extent to which agreement was reached. If we can hear from the Committee what is the point to which agreement was secured it is the most satisfactory way of starting the work.

MR. M. P. COLLIVET: It is not a question of what they agreed on. What does it mean? If eight or nine members agreed to a particular thing it is binding on nobody here. As a joint body have they a definite proposal? (Cries of No). They have not succeeded in that; they have failed. At the same time I would like to hear what they now put before us. Do they wish any adjournment or that they may discuss the matter again? (No, no). Is it then they have failed to find a solution?

MR. ART O'CONNOR: We have failed.

MR. EOIN O'DUFFY: We agreed on Wednesday. I used the words substantial agreement, but I meant by that that four from our side, and four from the other side agreed. The dissenting voice was Deputy Mellowes. We agreed on that. As regards the point about our discussion being private, I hold it was tentatively private. If we had continued on the same line I am sure no one would hold it would continue to be private. When I put the matter before the leaders of my side I did not suggest it was private and I had not in my mind it was. It is certainly a very substantial agreement and I hold it is very vital for the Dáil to know what the substantial agreement was. The Deputies on either side do not now agree to what they agreed on Wednesday night. They do not agree now; after they interviewed the President and others they did not agree to that. They admit they did agree on Wednesday night. They do not now agree to what they agreed on Wednesday night. This is not at all unfair. I want to be fair and just, and I do not want to make any statement here that is unjust. If what I said is wrong I would ask any of the four Deputies to contradict it.

MR. SEÁN MOYLAN: When Deputy O'Duffy said here yesterday that substantial agreement was reached he only implied it as meaning there was agreement between eight members and there was a dissenting voice, and I think that is quite correct. The substantial agreement as far as I understand it was that we agreed on certain points. There were other points we did not agree on. I did not agree on certain points as well as Deputy Mellowes, and I did not change my mind between Wednesday night and yesterday morning. There are some points I did not agree on—points 3 and 5 I did not agree on. We did agree on certain points (Hear, hear).

MR. EOIN O'DUFFY: What I meant was substantial agreement on the points we agreed on (laughter).

MR. M. COLLINS: Hear, hear.

MR. EOIN O'DUFFY: Reference was made to paragraph 3; that is all Greek to the House. I hold we have to go into the whole thing and—

MR. S. T. O'KELLY: Read the things you did agree on.

MR. MICHAEL COLLINS: That is the important point of the whole thing, whether we are for the Treaty or against it (Hear, hear). Publicly yesterday, we de

cided to go into secret session on a statement to the effect that substantial agreement had been reached on certain points among certain members of the House. Now, as one member, I could not consent to go into secret session unless I understood these points, which had been before myself, would be admitted to the House. If those points are not to be submitted to the House, let us have it like this: if agreement is reached in private, we are told in public it would be dishonourable to disclose the agreement. Let everything be public and then there can be no agreement (Hear, hear). If we cannot have this document now for the meeting on Wednesday night—an agreed document was brought away; it was not signed. It is a point of honour on the men who agreed. It is as much a point of honour as if they had signed it. That was submitted to Mr. Griffith and myself and we agreed to it. Is the House not to have that agreed document, and last night's document, and everything that happened at the committee meetings? Why cannot the House have that?

MR. SEÁN T. O'KELLY: We met a number of private members in a private conversation. We agreed on certain principles. We agreed those should be submitted to our leaders. We also agreed they should be private. Although this committee was afterwards nominated by the House, on understanding that substantial agreement was reached, to submit proposals, the proposals to be submitted should be—

MR. MICHAEL COLLINS: May I speak afterwards?

MR. SEÁN T. O'KELLY: I was not finished.

MR. MICHAEL COLLINS: But I was in possession, Sir. I was speaking. Is not that right? I have been asked, and have been asked many questions. Let Deputies get up in a proper orderly way and answer these questions in the way I have tried to do here. Now there is a point of public morality in this. I do not care who says otherwise and if that agreement is not to be disclosed to the House in private, then I for one cannot agree to continue the private session (Hear, hear). Again coming back to the point, if anyone changes his or her mind overnight, I do not mind, but let them at any rate stand up for their changed opinions again. If we are not going to have this thing put before us, we ought in ordinary decency go into public session again, and let there be no private committee meetings and then there can be no question of dishonour because everything will be disclosed. Let us have it one way or the other (Hear, hear). Let us be straight whichever way we have it.

MR. DONAL O'CALLAGHAN: As regards this question of exploring any possibility of agreement, I suggest it is entirely immaterial to this House—certainly it is to me—as to what measure of agreement was reached in any particular tentative way. Let us have the suggested arrangements as they stood without any mention as to how far agreement was reached. The House can decide as to whether there is in it the basis of a settlement.

MR. SEÁN MOYLAN: I do not mind what you call them so long as you do not call them articles of agreement (laughter).

MR. D. CEANNT: When did these discussions take place first. I came here yesterday and remained for half a day, yet I could be told by a man in the street that these discussions were taking place. I do not ever remember to be told about these private discussions. We want to be told beforehand, and not to be told when we go into secret session. There is too much of this going on.

MR. SEÁN T. O'KELLY: Anyone here who likes could discuss the matter amongst themselves. Have you not all in your various hotels been talking about affairs? We were not in any different position to that. How could you be told such discussions were taking place before they had taken place. You were all told about it yesterday. You could not be told before that because we had not met before.

MR. ERNEST BLYTHE: There is a difference between this talk and other talks. There have been little conferences at hotels. No one who has ever been present at any of them ever moved that this House be adjourned in order that they

might be continued with a view to a settlement.

MR. M. HAYES: As a member of the committee I would like to explain my attitude towards the matter. There is a substantial difference, it seems to me, between the conference or committee that met on Wednesday night and anything that took place in hotels so far, and for this reason. There were nine individuals of what we may call very great honest and average intelligence (laughter and applause). I insist upon these two things (renewed laughter). They did not represent their principals. They on the other side did not represent the President or anyone else, neither did we on our side represent any of the principals. We sat down as friends to see if we could come to any decision or agreement that might be of some use. The agreement we came to was reduced to writing. Three copies were made. Certain men were deputed to place a copy before each of the three most important people in Ireland today, President de Valera, Mr. Arthur Griffith and Mr. Michael Collins. Now it will be clear to this House, when you come to the point of making a definite written statement to which you agree, Mr. O'Kelly on his side to recommend to the President and we to our people, you have got to a very important point. That is surely clear. Now it was a private meeting; I agree absolutely. We submitted on a principle; some agreed and some did not agree. Then we asked the leave of the House in public to adjourn for further discussion. I may be wrong, but I assumed the discussion was on the thing we agreed on. We did not reach final agreement last night at all. We could not reach any form of agreement. We reached no form of agreement last night, and the only thing for us to do now in my view is to present the House with the clear report of what happened. In my view, too, it must be a clear report of what happened from the very beginning (Hear, hear). As regards the document which Mr. O'Kelly says is confidential I do think if the House wants it let the House have it (Hear, hear). If the House does not want it, let the House have no document and go into public session, talk about the Treaty and do not have any more rubbish of ways out.

MISS MARY MacSWINEY: As one of the non-Treaty side of the House who was not consulted about the private session I would like to give my opinion. Certain people took it on themselves to have a private talk as anybody might. I think no will deny that from the very beginning I was anxious for unity. But it can only be had in one way. Anybody is at liberty to try and explore possibilities, and if four members of our side of the House agree to something which the rest of us would not agree to that was their individual opinion, and the only reason for dragging it up here now is to create more disunion; the thing to do is to put before us the things we agreed on. I did not see the document. It may be the reading of the document might be used by those who are against us to suggest a split in the Republican Party. It is quite possible, judging by some of the things said and done, that that should be done. Personally I have no more knowledge of what is in the document than any member of the House. For myself, I would be perfectly willing to have every bit of it out. But if the object is to have a split in the Republican Party you will be very much mistaken, mind that now. I do not care if the document is put in or not. If private members agree to something that the rest of us would not agree to, that is their business. What is the object of getting at the things that they agreed on in a private conversation on Wednesday night, and disagreed on after consulting their principals?

MR. SEÁN MILROY: Why should not we know?

MISS M. MacSWINEY: Go and ask privately and you will be told. Some members agreed on something they should not agree to, that is all. As far as the document goes, it means nothing. We should have everything out, and have a straight issue before the country, and have no tricks, such as pretending—

MR. SEÁN MILROY: Has the Deputy any right to make imputations against the members of this House?

MISS M. MacSWINEY: I do not make any imputations. Who made the imputations that there was an oath in Document No. 2 when there never was?

MR. SEÁN MILROY: I said there was such an oath; I never said it was in Document No. 2.

DR. MacCARTAN: Why not have the whole thing out now?

MR. M. COLLINS: Deputy Hogan has been anxious to speak, and you have not been fair to him.

THE DEPUTY SPEAKER: I have not been unfair to him. He gave way to another speaker.

MR. P. J. HOGAN: I do not want to impart any heat into those discussions, and if Miss MacSwiney asks what is the object of having the document before the House I can tell her what is not our object. It is not our object to impart any bitterness. This committee was set up to try and find some common ground, and none of us want to spoil that now. There is a suggestion here that our honour is involved and for that reason I will tell you exactly my position. This was a private discussion in the sense that first of all it was initiated by private members. At the time of the discussion the idea, as I understood it, was not to make it public. I want to make that clear. I never thought, and I see now Seán T. O'Kelly agrees with me, that idea of ours would preclude us from telling any member of the Dáil, what our discussions amounted to, and what result we reached —Mr. O'Kelly agrees about that himself. It was not to be made public at the time. None of us ever understood—in fact we all agreed, and proceeded on the assumption, including Mr. O'Kelly—that there was nothing to prevent us from acquainting any other member of the House of the result of the conference. We agreed then—all except Mr. Mellowes—we have not agreed now. We have no agreement now; we had agreement then. When the four on each side agreed it was decided that the leaders on each side of the House should be acquainted of the agreement. There were men at the conference deputed to see each of the leaders and tell them what the agreement was. They did so. On one side the agreement was adopted as I understand; on the other side it was not. In that state of affairs we met in public here yesterday and in public it was stated by Deputy O'Duffy, and accepted by the other side without dissent, that we had reached substantial agreement. On the strength of that statement made here in public the Dáil was adjourned to enable us to continue. We continued. Here we are today. We have no agreement. We had agreement before. In the set of circumstances I have detailed it is a matter for the House whether everything should be told or whether everything should not be told. If everything did not be told them, the members of the House having all the circumstances put before them, from every point of view the proper thing to do is to go into public session.

ALDERMAN W. T. COSGRAVE: I do not think any useful purpose would be served by publishing what has transpired at this private meeting unless it would be to see how far the Dáil would be impressed by the deliberation of these eight or nine members of the Dáil (Hear, hear). If there be a hope in that—and I think it ought not to be abandoned lightly—then there is a good case for disclosing what agreement has been reached. Every member of the Dáil is interested in having an united front. The country wants that and the nation, I think, is entitled to it. If there be a possibility at all of united and agreed action whereby the nation will have the services of every representative in Dáil Éireann, it would be well worth seeing how far the Dáil does approve of what the eight or nine members agreed on.

PROFESSOR W. F. P. STOCKLEY: I would like to support what Mr. Mulcahy and Miss MacSwiney pointed out—what has been agreed on should be put forward.

MR. P. Ó MÁILLE: I think it is right for me to say something about the question. I think it is not altogether fair for the Deputy from College Green, Mr. Seán T. O'Kelly, to state this was an informal meeting of the Teachtaí on both sides, because this question of unity in the ranks has been agitating the minds of many of the back-benchers—if I may so call them—on both sides. We are all anxious to find a common ground on which to work out the future welfare of our country. The first suggestion as regards this matter came from my friend on the other side, the Deputy from North Mayo, Mr. P. J. Ruttledge. He said it would be an excellent thing if common ground could be found whereby the services of every man in the Dáil could be preserved for the nation. He and I have been long working out an effort to bring about a meeting of Teachtaí on each side of the House, and

he and I approached a number of members of the House and we were turned down on a few occasions. But all the same we persevered and we succeeded in getting these members on both sides to meet. I did not go on the committee myself because, having strong views on one side, I thought it would be better I would stand down and let others go on. It was no informal meeting; it was well known to a good many members on both sides that efforts for unity were being brought about and all the circumstances connected with the whole negotiations should be made public to the House. We are not in public session now, and there is no reason or justice for denying any fact from the general body of the members of the House.

MR. ART O'CONNOR: As one of the members of the committee I would like to say that while on the anti-Treaty side I was prepared to go as far as I possibly could to try and arrive at a common ground of agreement. I urged things on my President in a discussion yesterday morning which I felt sorry for afterwards. I thought I had gone too far. I do not think the reading of the agreement we came to on Wednesday night would achieve the purpose of creating unity. I think it would make confusion worse confounded and that is my honest opinion (Voices, It could not be worse). It could be worse, if you had the Republican ranks divided into three or four sections instead of into two. Really things could be worse. The only solid line of ground we could have at all would be the line of thought manifested in the agreement which we came to last night, which shows the trend of our minds just as much as Wednesday night's document. We failed to get common ground but the affair we agreed on last night pretty unanimously would show the trend of our thought, and there may be a germ in the affair of last night which would give us common ground. I am afraid personally Wednesday night's document would make it impossible to get unity in this House.

MR. P. J. MALONEY: I may say we came here today with the hope that we would have something before us that would help the whole of the House if I might say so. I will only make one suggestion now, and that is that the eight men who came to some agreement at some time or another would agree now upon how much of the agreement the House should be made acquainted with. How much are they all agreed on we should be told?

MR. ART O'CONNOR: I have no objection to the whole document being read but I am afraid the reading of it will do harm.

MR. P. J. MALONEY: That is only one man's opinion.

MR. SEÁN T. O'KELLY: I think all sides are agreed that what we arrived at—at least what we wrote down last night—might be read to the House and the House could be told how far agreement was reached.

MADAME MARKIEVICZ: The men on both sides are honest and fair in their desire to help the country at this moment; they do not want to throw a further bone of contention into our midst. I know nothing about what happened on Wednesday night. I have no curiosity. Well, of course, I have curiosity but we will put that aside for the good of the country. What I would suggest is that these same people go outside and decide amongst themselves how far it would be wise to disclose the contents of their proceedings on both nights—how far it would be advisable for the good of the country. Let us have an agreed report from them and not a bone of contention such as on this morning—one side trying to drag out a document and others trying to keep it back. Let these men get together and decide how much it is best for Ireland to read here today.

PROFESSOR STOCKLEY: Could not a beginning be made with the matter agreed on and let a decision on other matters be then taken?

MR. CON COLLINS: This House is not responsible, neither is it entitled to know what has been done at those informal meetings. This House is entitled to know what has transpired from the time it met yesterday morning and the appointing of this committee. That will simplify the matter. We serve no useful purpose here by talking on matters everybody knows. Wherever any two members of the House have met, and wherever any two Irish people have met for several weeks past

they have been discussing all sorts of things. We are as much entitled to drag their views in here as we are to compel the committee to disclose what has been done on an informal matter.

MR. PATK. BRENNAN: We have been made suspicious already; let us know everything.

MR. KEVIN O'HIGGINS: Yesterday's adjournment made the whole proceedings seem official at the start. But it is not to make that point that I rise; it is to remind you there is a motion before the House.

MR. E. J. DUGGAN: A motion has been proposed and seconded and there is no amendment.

MISS MACSWINEY: The motion I seconded was that the matter agreed on should be put forward.

DR. MACCARTAN: I seconded a motion that the whole thing be published.

MR. SEÁN T. O'KELLY: Nobody here has any right to ask me to show them any private letter or document that I wrote to any man here or to the President or to either party. No one here has any right to ask me to show a document that we nine members meeting in a private house discussed and agreed upon. It has nothing whatever to do with anybody.

MADAME MARKIEVICZ: I would like to say if this House is going to insist on hearing every private discussion between members on different sides that comes before their notice it will create such friction that it will be quite impossible for members of the different sides to get together and discuss anything. They will all be afraid of what they say. The only chance of unanimity is to let the rank and file of the two sides get together—

MR. D. O'ROURKE: The rank and file have agreed and the leaders will not agree.

MR. M. COLLINS: And the Dáil will agree to this document.

MR. SEÁN MILROY: Deputy O'Kelly in his first remarks said he had no objections to any member of this Assembly seeing and hearing the contents of the whole proceedings in private. If he has no objection to that course, why should he object that we should know it now? We are in private; what we say will not go outside in the press (Cries of Oh). Why this expression? I do not know if those who make these ejaculations intend to convey anything. At least I have no intention of—

MR. A. STACK: You have not much respect for private documents.

MR. SEÁN MILROY: I have as much respect as any other member of the House. Surely if this House finishes with an apparent resistance on the part of some members to let the whole House know matters of really serious and vital interest, not only to the House, but to the nation—if we finish with apparent resistance on the part of some members to let the House know these things—then I say this private session has been a great blunder and has added to, instead of diminishing, the atmosphere of disunion we are trying to prevent.

MR. J. MCGRATH: There is an agreement reached which Mr. O'Kelly will tell you about now.

MR. SEÁN T. O'KELLY: At one of our meetings there were certain things said and done, and on thinking over them the following morning, I saw it would be absolutely waste of time and would only lead to further trouble and discussion and further differences in the Dáil, if they were put before the House. One of them, the most contentious, it is agreed will not be read; it is agreed that would create further trouble. As regards the rest of the small number of agreements we came to there are some I still take strong objection to, but if the House insists on having them I waive my right as a private individual to have them put before the House. In winding up I would like to say the agreement was that we would come to the House and say we had arrived at no agreement and if they demanded documents they were at liberty to have them. Does the House demand the documents? (Cries of Yes and No).

THE DEPUTY SPEAKER: The proper thing is for the House to decide. It is

proposed by the Deputy from Louth, Mr. P. Hughes, and seconded by Dr. MacCartan that the terms of agreement arrived at on Wednesday night be submitted to the House together with the other document not agreed upon. This is the motion. An amendment was proposed by the Deputy from Clontarf, Mr. R. Mulcahy, and seconded by Miss MacSwiney that the points of agreement reached by the committee be made known by [*recte* to] the House as the proper starting point of the discussion.

MR. R. J. MULCAHY: I spoke before Deputy MacCartan and I understood mine was the motion and the other was the amendment.

DR. MACCARTAN: No; I had seconded before you spoke.

MR. EOIN T. O'DUFFY: The contentious point is removed by agreement.

MR. SEÁN T. O'KELLY: One contentious point.

MR. EOIN O'DUFFY: The contentious point. We discussed this question this morning and the only contentious point was paragraph 3 and we have agreed to remove that entirely. That being so it is not necessary to put the matter to the House at all. We all agreed on that this morning—if that was removed it would facilitate matters very much. We have agreed now and that should have brought us further.

MR. LIAM MELLOWES: These meetings formal and somewhat informal that we have had have not, in my opinion, resulted in anything that can be put to induce unity. We met fair specimens, perhaps, of the various grades of thought in this Assembly. Certain views were expressed. I, perhaps, had more objections than assents, so much on that I object to everything except one item. I do not think any useful purpose is going to be served by the Dáil again threshing out what we threshed out amongst ourselves. You are going over the same ground and raising more acrimony, discussion and disunion. This morning, on meeting again, there was no more agreement among us than there was last night. In fact, in my judgment the result of the conference we have had is we agreed to disagree. I do not think it is going to do any good to one side or the other to enter now on a long discussion as to what we discussed. We came out of it with no tangible result and, really speaking, we have nothing as a body to put before this House that, in my opinion, is going to induce unity.

MR. D. O'ROURKE: As one who has remained silent, all along hoping for agreement, I wish to say this: I would like to know what happened at the private meeting and the meeting yesterday, so that we may fix the blame on the proper people. The country demands unity and I want to be in a position to explain to my people who are the persons who want to disturb unity. Who are the disturbers of unity? I want to find that out and I will before I leave here.

MR. D. CEANNT: The object is to create more disunion and I object more strongly than ever.

MR. J. N. DOLAN: Deputy Mellowes says the publication of these documents will not, in his opinion, make for unity. I disagree with him. I think it is a very extraordinary thing that one of the members of this committee got up here and said that after consideration he decided that what he agreed to the night before he could not then agree to.

MR. SEÁN T. O'KELLY: Hear, hear.

MR. J. N. DOLAN: Perhaps he might change his mind again here if this matter was threshed out and if the backbenchers here brought their influence to bear on him—the Deputy for Dublin, Mr. Seán T. O'Kelly. He said he agreed to certain things at a previous meeting. Well, I as a private member of the House want to know what happened in the meantime to make him change his mind (laughter and applause). He is a man who went into this conference, in all seriousness, to make for unity in the Dáil, and he was there in the exercise of his duties and had his whole faculties. What made him change his mind between that and morning? I am hopeful the good sense of the Dáil will make him change his mind back again to the point when he agreed substantially to a form of words that, in my opinion, put all this very vague question that is before us.

SEVERAL DEPUTIES: Have a vote.

MR. JOSEPH McGRATH: There is no substantial agreement as the result of last night's meeting. Unfortunately there is no amendment before the House; the amendment is out of order; there was no agreement reached last night.

MR. M. P. COLLIVET: Well, I move as an amendment that we let the matter drop and go into public session.

MR. PIARAS BÉASLAÍ: The only value of all this to us is, does any member of this body or any of the men who met think there is any proposition, which if put forward for discussion here by a private member, would afford a hopeful basis for unity? If that is not so, the sooner we go into public session the better.

MR. D. CEANNT: I beg to second the member for Limerick.

MR. H. BOLAND: If this amendment is carried we go forthwith into public session. Is that so? Being a kind of stranger here (laughter)—before going into public session I would like to know if in speaking in public there are any restrictions on points that might be inclined to give information to the enemy? Looking at the thing as I have had to from the outside, the great tragedy to my mind has been the defeatist speeches of the heads of the army (Hear, hear). Before this motion is put to the House I would like to know if the speech of the Chief of Staff truly represents the voice of the army? (Voices, No). And I would like to know if it is true that the Irish Republican Army that brought the British government to discuss terms of peace is not strong enough to take a good sized police barrack, because I know something at any rate about the difference in equipment that that army had when I left here last October and what it has today. I would like to know further if in public session when I speak on this question are we entitled to say what we feel about the abilities of the army to defend the liberties of this country.

MR. R. MULCAHY: I want to leave the room for a moment to get one or two references and I will deal with that.

MR. A. GRIFFITH: Before the Deputy for Clontarf leaves I would like to ask the Chairman whether this is in order. We are discussing a motion as to whether certain documents are to be given to, or withheld from, the members. This is entirely out of order. Are we going to vote on the motion or not?

MR. H. BOLAND: On a point of information I rose, Mr. Griffith; I want first to ask if the amendment be carried, are we going into public session immediately? I intend to speak against the Treaty, and if by any statement of mine I would embarrass the army by giving information to the enemy, I want to know if it is true that the army are not able to capture a police barracks. It is a point of information. I might have to modify my words. I hope you will not allow any technicality to prevent my getting that information.

MR. CATHAL BRUGHA: I am entitled to speak for the army.

THE DEPUTY SPEAKER: If my suggestion is worth anything I will submit it to you. I am in an awkward position today here. I came in as a private member of the House. There was no agenda prepared for today's business and it is my opinion that business is over. This committee has already reported back and I would suggest that without any further discussion that we adjourn until half past two o'clock and thence into public session.

PROFESSOR STOCKLEY: Vote on this. Could we not vote?

MR. P. HUGHES: Since the thing was put into the public view yesterday I cannot see why this document should be withheld. Once it was mentioned that there was substantial agreement amongst those men who met, I do not see why every member of the Dáil should not get the terms of the agreement. We are told if any member wants to get it he can go to any of the gentlemen who were there and have the agreement and see it. What is the difference between going and seeing it with these men and having it read to the House? We did such things before and we kept our minds to ourselves; we can do so now. I believe we are going to clear up misunderstandings if these documents are read.

PRESIDENT DE VALERA: I am going to settle all this thing by resigning publicly at the public session. Either this is the Government of this country or let the majority rule. As far as I am concerned I am not going to be a party to manoeuvres of this kind at all.

DR. FERRAN: Can members disclose the result of a private conversation? (Several voices, No). Then the House cannot authorise anybody to do so.

MR. CATHAL BRUGHA: Will Deputy Boland ask the question concerning the army? I am ready to answer him.

Questions concerning the army were then put and answered. Army matter having been dealt with,

MR. J. McGUINNESS: Although not in absolute agreement on the terms of the document we drew up last night, we are in full agreement and the contents of the document should be made known to the House. Certainly, it did not seem clear to me when the Dáil appointed us for this work yesterday that it was absolutely essential that we should agree, or that unless we agreed no report was to be read. I think if the contents of this document were known to the House it can do no harm. And I can tell you this, it is going to do neither side any good either. You are not going, by any word or line in it, to secure a vote one way or the other. I am afraid there is too much of tactics here (Hear, hear). Yes, too much of tactics since the terms of the Treaty—of which I am in favour—were published; after President de Valera's published statement I saw that no matter what happened there was danger of a grave split in the country that would do untold harm. And any efforts I have been making and those with me—I will say for the men on the other side that the object was the same—how best to preserve the service of the President for the nation. The President has made a very grave statement here today. In public session he said, that he would resign. I think that would be a terrible disaster (Hear, hear). That will drive us back farther than we have been for one hundred years. I do not know if any of the members on the other side are agreeable but we all agreed this morning that the terms of the document we drew up last could be made known to the House (Hear, hear).

THE DEPUTY SPEAKER: Is the House willing to accept my suggestion that we adjourn or shall I put the motion? (Voices, Put the motion). I learn just now that the amendment has been withdrawn.

MR. D. CEANNT: The amendment is not withdrawn.

ALDERMAN J. MacDONAGH: It is not withdrawn; there is an amendment.

THE DEPUTY SPEAKER: The only amendment handed to me is the amendment of Deputy Mulcahy and that amendment, I now understand, is withdrawn.

MR. D. CEANNT: Am I in order in submitting another amendment? (Cries of Yes). The amendment is that whereas both parties have come to an agreement, and as we were told it was a substantial agreement, that substantial points of agreement came to be submitted and no others. It is evident from the tactics here that the object is to disrupt the Dáil and they will disrupt the country worse than ever.

THE DEPUTY SPEAKER: Let me have the amendment in writing.

MR. MICHAEL HAYES: The amendment is not at all clear.

A DEPUTY: It is not seconded.

MR. M. HAYES: It is not clear because it just picks the question by referring to an agreement whereas the point of difference is whether you will publish to the Dáil the points of agreement reached on Wednesday night or whether you will not. Therefore there is no use in that amendment. I speak for all the members of the committee.

MR. D. CEANNT: The meeting on Wednesday night was not officially sanctioned by the House and we are not concerned with it.

MR. M. HAYES: Speaking for the whole committee, there is no use in proposing that the agreement that we reached last

night be published because we did not reach agreement last night (Hear, hear).

MR. SEÁN T. O'KELLY: Nobody is entitled to demand from me any private documents or any information which I think in my judgment is not going to be of value to the House.

MR. DONAL O'CALLAGHAN: Is there any necessity for a motion or an amendment? I understood Mr. Seán T. O'Kelly to say that with the exception of one point there was no objection to the House having all. If that be the case is there any necessity for a motion or amendment?

MR. ART O'CONNOR: As an individual member, I object.

DR. FERRAN: If members meet in private there is no power to make them submit anything to the House whether they do or do not come to an agreement.

ALD. J. MACDONAGH: Is there any amendment? I would like to move one.

THE DEPUTY SPEAKER: Personally I do not see any use in continuing this discussion.

MR. M. HAYES: I move that the House adjourns to three o'clock and then go into public session.

THE DEPUTY SPEAKER: I think that is the general wish of the House.

MR. CATHAL BRUGHA: Before you decide on this matter, the President has made a very serious statement. If in public session he is going to resign where will we be? We better settle that matter first.

PRESIDENT DE VALERA: There is no use in discussing it. The whole of Ireland will not get me to be a national apostate and I am not going to connive at setting up in Ireland another government for England.

MR. CON COLLINS: I wish to make one suggestion. The suggestion is this: That a small committee be appointed immediately to select a number of speakers to finish up the debate and let us not be kept here until doomsday.

On the motion of Mr. Michael Hayes, seconded by Ald. Joseph MacDonagh, the House adjourned at 1 o'clock.

## APPENDIX 1

### Dáil Éireann

#### CONSTITUTION

(As amended 25th August, 1921)

#### Article 1

All legislative powers shall be vested in Dáil Éireann, composed of Deputies, elected by the Irish people from the existing Irish Parliamentary Constituencies.

#### Article 2

(*a*) All executive powers shall be vested in the members for the time being of the Cabinet.

(*b*) The Cabinet shall consist of the President who shall also be Prime Minister and be elected by Dáil Éireann and six Executive Officers, viz. :—

A Secretary of State for Foreign Affairs,
A Secretary of State for Home Affairs,
A Secretary of State for National Defence,
A Secretary of State for Finance,
A Secretary of State for Local Government,
A Secretary of State for Economic Affairs,

each of whom the President shall nominate and shall have power to dismiss

(*c*) Every member of the Cabinet shall be a member of Dáil Éireann and shall at all times be responsible to the Dáil.

(*d*) At the first meeting of Dáil Éireann after their nomination by the President, or during the meeting at which the President shall himself have been elected to his office, the names of the Executive Officers shall be separately submitted to Dáil Éireann for approval.

(*e*) The appointment of the President shall date from his election and the appointment of each Executive Officer from the date of the approval by the Dáil of his nomination.

(*f*) The Cabinet, or any member thereof, may at any time be removed by vote of the Dáil upon motion for that specific purpose, provided, that at least seven days' notice in writing of that motion shall have been given.

(*g*) The President may himself in writing nominate from among the members of the Cabinet a President Substitute who shall act in his place and exercise all his powers (including the power to nominate a President Substitute with Presidential status, and the power to nominate Substitute Ministers). In the event of the President becoming unable by reason of enemy action, or absence abroad, or illness, or other emergency, to perform the functions of his office, if occasion arises for the President Substitute to assume office he shall act as President of the Cabinet until the President resumes his functions or resigns or until he himself becomes unable by reason of enemy action, absence abroad, illness, or other emergency, to perform the functions of the office ; if at any time there is no President or President Substitute or if there is no President or President Substitute able to perform the functions of the Presidential Office, a meeting of Dáil shall be convened to elect a President.

(*h*) Whenever any member of the Cabinet other than the President shall become unable by reason of enemy action, absence abroad, illness or other emergency, to

perform the functions of his office, the President may forthwith—and shall if the incapacity shall extend over thirty days—appoint another Deputy as Minister Substitute to fill his place and exercise all his powers during his absence, but the name of every Substitute Minister shall be submitted for approval to the next meeting of Dáil after his appointment if the incapacity of the original Minister then continues.

Article 3

A Chairman elected annually by the Dáil, and in his absence a Deputy Chairman so elected, shall preside at all meetings of Dáil Éireann. Only members of the Dáil shall be eligible for these offices. In case of the absence of the Chairman and Deputy Chairman the Dáil shall fill the vacancies or elect a temporary Chairman.

Article 4

All monies required by the Cabinet shall be obtained on Vote of the Dáil. The Cabinet shall be responsible to the Dáil for all monies so obtained. The Minister for Finance shall present properly audited accounts for the expenditure of these monies twice yearly in the months of July and January for the respective half-yearly periods ending 30th June and 31st December. The Audit shall be conducted by an Auditor or Auditors appointed by the Dáil. No member of the Dáil shall be eligible for such appointment.

Article 5

This Consitution is provisional and is liable to alteration upon seven days' written notice of motion for that specific purpose.

## APPENDIX 2

### MINISTERIAL POWERS (DELEGATION) DECREE

[August 25th, 1921]

During the continuance of the present war, and any temporary suspension thereof, the following provisions shall have effect :—

1. The several Departments specified in the schedule hereto may from time to time by Orders to be signed by the Minister delegate all or any of the powers of the Department (to be specified in such order) within the area of any County or County Borough to an "Administrative Committee" constituted as hereinafter set forth.

(provided that the exercise of such powers by such Committee shall at all times be subject to the control of the Minister and any powers so delegated may at any time be withdrawn.)

2. There shall be an "Administrative Committee" in each County and Borough. The Committee as a whole shall have collective responsibility for all powers delegated to it, but in the case of the powers delegated by each Department, some one member of the Committee, shall have charge of and accept respective responsibility for the exercise of such powers, provided, however, that, if thought fit, the same member may have charge of the powers delegated by the Departments of :

(*a*) Agriculture
(*b*) Labour
(*c*) Trade and Commerce

or any two of them.

3. An "Administrative Committee" shall consist of a Chairman, the members of Dáil Éireann resident in the County or County Borough as the case may be and not more than four other persons (who need not be members of the County or Borough Council) appointed by the County or Borough Council. The Committee may appoint a Secretary to be approved of by the Department of Local Government and may employ any necessary officers and may delegate all or any of the powers which have been delegated to the Committee to any person or persons approved of by the County or Borough Council.

4. Where (*a*) A County or Borough Council shall, for one month, after having been duly requested in writing by the Ministry or Department so to do, refuse or neglect to appoint an "Administrative Committee" then the Ministry may appoint such Committee.

(*b*) A Committee after appointment shall fail to function to the satisfaction of the Ministry then the Ministry may appoint a new "Administrative Committee" to replace the Committee, so failing to function; and the provisions of this Decree shall apply to such appointments as if the Ministry were for the purpose of this Decree substituted for such County or Borough Council so neglecting or refusing as aforesaid.

5. Where, owing to circumstances arising out of the present war, it is in the opinion of the Chairman of the Council difficult or impracticable for a County or Borough Council to appoint such Committee, then either the Ministry may make such appointment or may delegate the making of the same to be made by the Chairman after consultation with such members of the Council as he shall think fit. An "Administrative Committee" so appointed shall have the same powers as if it had been appointed by the Council. Casual vacancies in a Committee so appointed may be filled by the Chairman of the Council.

6. Chairmen and members of "Administrative Committees" shall not be called upon to hold any other office or fulfil any other public duties which would prevent or interfere with their acting as members of such Committee.

7. An "Administrative Committee" shall hold office for twelve months from the date of appointment. Casual vacancies may be filled by the Committee of Borough Council but where it shall be difficult or impracticable for the Council to make such appointments, or the Council shall neglect for one month so to do, then a person may be temporarily appointed a member of such Committee by the Ministry until the vacancy can be filled by the County or Borough Council.

8. "The Ministry" shall mean the Ministry of Dáil Éireann.

"The Minister" shall in each case mean the Minister who is head of his Department.

"The Department" shall in each case mean the Department concerned.

## SCHEDULE

### DEPARTMENTS

(1) Home Affairs (including Judiciary, Police and Emigration).

(2) Local Government.

(3) Agriculture (including Food Supplies).

(4) Labour (including all matters concerned with the boycott of Belfast and English goods).

(5) Trade and Commerce.

(6) Education.

## APPENDIX 3

### PROVISIONAL ORDERS DECREE

[August, 25th, 1921]

1. For twelve months from the date hereof the President and Council of Ministers may make a Provisional Order containing regulations as to any matter within the province of all or any of the Departments of Government.

2. Such Provisional Order unless and until disapproved of by AN DÁIL (to the next meeting of which it shall in all cases be submitted for approval) shall have the same force and effect as a Decree of AN DÁIL.

3. Such Provisional Order may contain regulations for its own enforcement by fine, imprisonment or otherwise.

4. The expression "Council of Ministers" shall mean the Cabinet Ministers for Foreign Affairs, Defence, Home Affairs, Finance and Local Government, and the Minister of Economic Affairs.

## APPENDIX 4

### DECREE AS TO PURPORTED EXERCISE OF PUBLIC FUNCTIONS

[August 26th, 1921]

WHEREAS certain persons purport to exercise Judicial, administrative and legislative functions without the authority of the Republic, by law established, and certain other persons act as Clerks, assistants and technical advisers to the same, BE IT ENACTED AS FOLLOWS :

1. The Minister may make regulations with regard to persons purporting without such authority to exercise such functions or any of them or with regard to any class of the same, or with regard to persons acting as Clerks, assistants or technical advisers to such persons, without such authority as aforesaid, or to any class of the same.

2. Such regulations may impose penalties by fine, imprisonment, banishment from a particular area or otherwise on persons so acting as aforesaid or any class of the same, and may provide the necessary means for the enforcement of such penalties, including the trial of offenders by military or Civil Courts.

3. "The Minister" for the purpose of this Decree shall mean the "Minister for Home Affairs" or such other Minister or Ministers as shall from time to time be nominated to act by the President.

4. Such regulations may from time to time be varied, amended, suspended or withdrawn by the Minister and new regulations may be substituted for any existing regulations.

5. Any regulations made or to be made from time to time under this Decree shall have the same force and effect as if they were incorporated in and formed part of this Decree.

## APPENDIX 5

[CREDENTIALS OF PLENIPOTENTIARIES]

TO ALL TO WHOM THESE PRESENTS COME, GREETING :

In virtue of the authority vested in me by DÁIL ÉIREANN, I hereby appoint

Arthur Griffith, T.D., Minister for Foreign Affairs
Chairman

Michael Collins, T.D., Minister of Finance

Robert C. Barton, T.D., Minister for Economic Affairs

Edmund J. Duggan, T.D.

George Gavan Duffy, T.D.

as Envoys Plenipotentiary from the Elected Government of the REPUBLIC OF IRELAND to negotiate and conclude on behalf of Ireland with the representatives of his Britannic Majesty, GEORGE V., a Treaty or Treaties of Settlement, Association and Accommodation between Ireland and the community of nations known as the British Commonwealth.

IN WITNESS WHEREOF I hereunto subscribe my name as President.

Done in the City of Dublin this 7th day of October in the year of our Lord 1921 in five identical originals.

_____

## APPENDIX 6

7th October, 1921.

INSTRUCTIONS TO PLENIPOTENTIARIES FROM CABINET

(1) The Plenipotentiaries have full powers as defined in their credentials.

(2) It is understood however that before decisions are finally reached on the main questions that a despatch notifying the intention of making these decisions will be sent to the Members of the Cabinet in Dublin and that a reply will be awaited by the Plenipotentiaries before the final decision is made.

(3) It is also understood that the complete text of the draft treaty about to be signed will be similarly submitted to Dublin and reply awaited.

(4) In case of break the text of final proposals from our side will be similarly submitted.

(5) It is understood that the Cabinet in Dublin will be kept regularly informed of the progress of the negotiations.

(Signed) Eamon de Valera.

## APPENDIX 7

### MEMORANDUM BY THE IRISH REPRESENTATIVES

November 22nd, 1921.

NOTE.—The following proposals are put forward upon the assumption that the essential unity of Ireland is maintained.

1. Legislative and Executive authority in Ireland shall be derived exclusively from the Elected Representatives of the Irish people.

2. Ireland agrees to be associated with the British Commonwealth for purposes of common concern and, in respect of those purposes, to recognise the Crown as the symbol and accepted head of the Association.

3. In matters of common concern, which are declared to include Peace and War and Defence, the rights and status of Ireland shall be in no respect less than those enjoyed by any of the component States of the British Commonwealth represented in the League of Nations. There shall be between Ireland and these States such concerted action, founded on consultation, as the several Governments may determine.

4. As an Associated State, Ireland recognises the obligation of providing, as far as her resources permit, for her own defence by sea, land, and air, and of repelling by force any attempt to violate the integrity of her shores and territorial waters, and in the common interest of Ireland and the British Commonwealth undertakes that she will not by treaty or compact with any foreign nation impair her independence nor authorise nor permit any foreign nation to obtain any naval or military powers over her territory which may be inimical to the security of Great Britain.

5. Varying proposals have been put forward by the British Government on the subject of Naval Defence. The Irish Delegation now ask that the facilities required by the British Government should be precisely defined.
Any such proposals should provide for the assumption by Ireland of responsibility for her own coastal defence at the end of a period not exceeding five years.

6. We are agreed, in order to facilitate the general world movement towards the limitation of armaments, that the Defence Force to be maintained by the Irish Government shall bear the same proportion to the military establishments maintained in Great Britain as the population of Ireland bears to the population of Great Britain.

7. An Arbitration Tribunal consisting of one or more persons shall be set up to effect a final financial adjustment between Great Britain and Ireland. It shall be the duty of the Tribunal to determine Ireland's liability, if any, for a proportion of the Public Debt and War Pensions of these islands as at the date of the signing of this Treaty, and to determine the total sum of this liability, if any, and to determine what total sum, if any, is due by Great Britain to Ireland in respect of all such pecuniary claims, whether liquidated or unliquidated, as shall be submitted to the Tribunal on behalf of Ireland. The Tribunal shall set off the respective total sums so determined one against the other, strike a final balance between them and issue their award accordingly. That award shall be final and binding upon both nations.

8. It is pointed out that the Memorandum submitted by the Irish Delegation on the 29th October contained the following :—

> "We are prepared to execute a Trade Convention which, while recognising the advantage to both countries of the fullest freedom of trade, transport and commerce, will not derogate from Ireland's complete fiscal autonomy".

Paragraphs 8 and 9 of the Memorandum handed to us on the 16th November do not, in our opinion, constitute a reply to this proposition, but, on the contrary, do imply a derogation from Ireland's complete fiscal autonomy, and do in their implication mean that Ireland must inevitably fall into a position of economic subservience which cannot

be accepted by Ireland. It is therefore requested that our previous statement should be met and it is suggested that :

(*a*) An Agreement be reached as to the commodities that shall be dealt with on the basis of free trade, and

(*b*) An understanding be reached that each Government is free to deal with all other commodities as seems suitable to its own requirements.

9. We are prepared to recommend that the Irish Government shall :

(1) Conclude suitable trade conventions with the other states of the British Commonwealth.

(2) Arrange all necessary facilities for Commercial air Communications.

(3) Make mutual agreements in regard to all such matters of common concern as domicile, income tax, death duties, and stamp duties, posts, cables and wireless telegraphy, currency and coinage, trademarks, copyright and patents, immigration and emigration, merchant shipping, sea fisheries and quarantine.

10. In the event of the existing legislature of the North East of Ireland accepting its position under the National Parliament, Ireland will confirm the legislature in its existing powers and will undertake to provide the safeguards designed to secure any special interests of the area over which it functions.

Having stated our willingness to provide such safeguards as will allay the fears of any section of the population of N.E. Ulster, we now suggest that it is necessary at this stage to indicate precisely to us what safeguards are required so that every eventuality may be met and any conceivable misunderstanding avoided.

## APPENDIX 8

MEMORANDUM BY THE IRISH DELEGATES ON THEIR PROPOSAL FOR THE ASSOCIATION OF IRELAND WITH THE BRITISH COMMONWEALTH.

November 28th, 1921

1. The legislative, executive and judicial authority of Ireland shall be derived exclusively from the Elected Representatives of the Irish people.

2. Ireland will agree to be associated with the British Commonwealth for all purposes of common concern, including defence, peace and war, and political treaties, and to recognise the British Crown as Head of the Association.

3. As a token of that recognition, the Irish legislature will vote an annual contribution to the King's personal revenue.

NOTE

The proposal is that Ireland, while preserving her national independence, shall for all purposes of common concern associate herself with the British Commonwealth of Nations and recognise the British Crown as Head of the Association.

By a method such as this permanent peace can be established. It is fallacious to assert that Ireland is now offered the substantial freedom of Canada and the other British Dominions. Canada and the other Dominions lie thousands of miles away from the shores of Great Britain. Great Britain, therefore, has neither desire nor temptation to interfere in their home affairs. The Crown to them is a symbol of the external unity of equal states, not of the internal repression of subordinate states. Ireland, on the

contrary lies beside the shores of Great Britain, which has been accustomed for generations to interfere, in the name of the Crown, in every detail of Ireland's life. The desire and temptation to continue interference will remain if the Crown remains, as it cannot be the symbolic Crown that the Dominions know, but will continue to possess the real power of repression and veto which Ireland knows. In moving the first reading of the Home Rule Bill in 1913 the Prime Minister of this country pointed out that the Crown meant the British Government and that the British Government would retain unimpaired its supremacy and power of veto over the proposed Irish Parliament. Such a supremacy and such a veto are incompatible with the independence and dignity of our country, incompatible with real peace between the two nations, incompatible with free association with the community of nations, known as the British Commonwealth, and, therefore, cannot be accepted. We acknowledge a reasonableness in the desire of the British Government for certain Naval facilities in Ireland differing from those which they receive from Canada or the other Dominions. The propinquity of the two islands is a fact that must be recognised in arranging a just and permanent settlement and we have recognised it in this matter. Equally it must be recognised on the other side that the same propinquity imposes on us a necessity for safeguarding our independence which does not arise in the case of the Dominions. The Crown, thousand of miles away, will never menace the Dominions with its powers. The Crown, close at hand to Ireland, would form a constant menace of the kind, and the object for which both sides have striven—the satisfactory ending of the long conflict between the two nations—would not have been achieved.

We put forward a plan that is practicable and honourable, that will ensure Great Britain against every apprehension that her publicists have expressed, that will associate Ireland with her and the Dominions under the Crown, and that at the same time will secure the independence of Ireland from question or intrigue. It must be recognised that for Ireland freely to accept the Crown in any capacity is a momentous step on her part in view of history and the existing facts, but the desire of the people of Ireland for a friendly and lasting settlement is unquestionable and the Irish Delegation are ready to advise their countrymen to meet British sentiment in the manner here proposed.

Chairman.

London, 28th November, 1921.

## APPENDIX 9

CONFERENCE ON IRELAND

S.F.C. 29–A.

Copy of a letter from the Prime Minister to Mr. Arthur Griffith covering the Proposed Articles of Agreement.

10 Downing Street, S.W.
December 1st, 1921

Sir,

I enclose a draft of the Treaty which we are prepared to submit for the approval of Parliament. As we understand that you have agreed with representatives of the Southern Unionists to provide safeguards for the representation of minorities, especially in the Second Chamber not less effective than those afforded by the Government of Ireland Act, 1920, as well as to make provision for the completion of Land Purchase, these matters have not been dealt with in the draft.

Yours faithfully,
(Sgd.) D. Lloyd George.

A. Griffith, Esq.

PROPOSED ARTICLES OF AGREEMENT

1. Ireland shall have the same constitutional status in the Community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace order and good government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State.

2. Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.

3. The representative of the Crown in Ireland shall be a Governor-General appointed in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointments.

4. The oath to be taken by members of the Parliament of the Irish Free State shall be in the following form :—

> I.....solemnly swear to bear true faith and allegiance to the Constitution of the Irish Free State ; to the Community of Nations known as the British Empire; and to the King as the Head of the State and of the Empire.

5. The Irish Free State shall contribute towards the service of the Public Debt of the United Kingdom as existing at the date hereof and towards the payment of war pensions as existing at that date such sums as may be fair and equitable, having regard to any just claims on the part of Ireland by way of set off or counter claim, the amount of such sums being determined in default of agreement by the arbitration of one or more independent persons being citizens of the British Empire.

6. Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of the British Islands, including Ireland, shall be undertaken exclusively by His Majesty's Imperial Forces.

The foregoing provisions of this article shall be reviewed at a Conference of Representatives of the British and Irish Governments to be held at the expiration of ten years from the date hereof.

7. The Government of the Irish Free State shall afford to His Majesty's Imperial Forces :—

(*a*) In time of peace such harbour and other facilities as are indicated in the Annex A. hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State ; and

(*b*) In time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.

8. With a view to securing the observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a local military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

9. No protective customs duties shall be imposed in Great Britain on Irish goods nor in Ireland on British goods, but this provision shall not be construed as preventing the imposition of customs duties designed to prevent dumping or other unfair competition.

10. Neither Great Britain nor the Irish Free State shall impose restrictions for protective purposes upon the flow of transport, trade and commerce between Great Britain and Ireland.

11. The Government of the Irish Free State agrees to pay fair compensation on terms not less favourable than those accorded by the Act of 1920 to judges, officials, members of Police Forces and other Public Servants who are discharged by it or who retire in consequence of the change of Government effected in pursuance hereof.

Provided that this agreement shall not apply to members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

12. During the period of transition, that is to say a period of 12 months after the date hereof, or such shorter period as His Majesty in Council in pursuance of a resolution passed by both Houses of the Parliament of Northern Ireland may by Order fix, the powers of the Parliament and Government of the Irish Free State shall not be exercisable as respects Northern Ireland, and the provisions of the Government of Ireland Act, 1920 (including those relating to the Council of Ireland) shall, so far as they relate to Northern Ireland remain of full force and effect, and no elections shall be held for the return of members to serve in the Parliament of the Irish Free State for constituencies in Northern Ireland, unless a resolution is passed by both Houses of the Parliament of Northern Ireland in favour of the holding of such elections before the end of the period of transition

13. If after the expiration of six months and before the expiration of twelve months from the date hereof an address is presented to His Majesty by both Houses of the Parliament of Northern Ireland to that effect, the powers of the Parliament and Government of the Irish Free State shall no longer extend to Northern Ireland and the provisions of the Government of Ireland Act, 1920, (including those relating to the Council of Ireland) shall so far as they relate to Northern Ireland, continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications.

Provided that if such an address is so presented a Commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland and one who shall be Chairman to be appointed by the British Government shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions the boundaries between Northern Ireland and the rest of Ireland, and for the purposes of the Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

14. For the purpose of the last two foregoing articles the powers of the Parliament of Southern Ireland under the Government of Ireland Act, 1920, to elect members of the Council of Ireland shall after the Parliament of the Irish Free State is constituted be exercised by that Parliament.

15. After the expiration of the period of transition, if no such address as is mentioned in Article 13 hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland the powers conferred on them by the Government of Ireland Act, 1920, but the Parliament and Government of the Irish Free State shall in Northern Ireland have in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws under that Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland) the same powers as in the rest of Ireland, subject however to the following provisions:—

(a) The Government of Northern Ireland shall exercise the powers of patronage with respect to offices in the public services administered by the Government of the Irish Free State (including judicial offices) the functions of which are discharged either wholly or mainly in Northern Ireland.

(b) The Government of Northern Ireland shall be charged with the duty of collecting all taxes leviable in Northern Ireland, and the proceeds shall be dealt with as in Annex B.

(c) No taxation shall be imposed by the Government of the Irish Free State which discriminates against Northern Ireland.

(d) No export duties shall without the consent of the Parliament of Northern Ireland be imposed on any manufactures of Northern Ireland.

(e) No import duties shall without the consent of the Parliament of Northern Ireland be imposed on goods used as raw material for manufactures in Northern Ireland.

(f) It shall be lawful for the Government of Northern Ireland to raise and maintain in addition to and for the purpose of the support of any police forces raised by them a local militia, so however that the establishments thereof shall not exceed in size such proportion of the establishments of any local military defence force maintained by the Government of the Irish Free State as that which the population of Northern Ireland bears to the population of the rest of Ireland, and no part of any local military defence force raised by the Government of the Irish Free State shall be stationed in Northern Ireland without the consent of the Government of Northern Ireland.

16. Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any law so as either directly or indirectly to endow any religion, or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status, or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at a school or make any discrimination as respects state aid between schools under the management of different religious denominations, or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

17. By way of provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof and the constitution of a Parliament and Government of the Irish Free State in accordance therewith, steps shall be taken forthwith for summoning a meeting of members of Parliament elected for constituencies in Southern Ireland since the passing of the Government of Ireland Act, 1920, and for constituting a provisional Government, and the British Government shall take the steps necessary to transfer to such provisional Government the powers and machinery requisite for the discharge of its duties, provided that every member of such provisional Government shall have signified in writing the acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

18. This instrument shall be submitted forthwith by His Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to sit in the House of Commons of Southern Ireland, and if approved shall be ratified by the necessary legislation.

## ANNEX A.

1. The following are the specific facilities required.

*Dockyard Port at Berehaven*

(a) Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

*Queenstown*

(b) Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to be retained for use of His Majesty's Ships.

*Belfast Lough*

(c) Harbour defences to remain in charge of British care and maintenance parties.

*Lough Swilly*

(d) Harbour defences to remain in charge of British care and maintenance parties.

*Aviation*

(e) Facilities in the neighbourhood of the above Ports for coastal defence by air.

*Oil Fuel Storage*

(f) Haulbowline, Rathmullen } To be offered for sale to commercial companies under guarantee that purchasers shall maintain a certain minimum stock for Admiralty purposes.

2. A Convention shall be made between the British Government and the Government of the Irish Free State to give effect to the following conditions:—

(a) That submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional wireless stations for communication with places outside Ireland.

(b) That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of the Irish Free State as at the date hereof and shall not be removed or added to except by agreement with the British Government.

(c) That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of the Irish Free State being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection, and guaranteeing the upkeep of existing telegraphic communication therewith.

3. A Convention shall be made between the same Governments for the regulation of Civil Communication by Air.

## ANNEX B

The Government of Northern Ireland shall be charged with the duty of collecting those taxes which under the Government of Ireland Act 1920 are reserved, that is to say Customs, Excise duties on articles manufactured and produced, Income Tax, Super-tax, and any other tax on profits. They shall retain definitively 3 per cent of the amount collected, and meet therefrom the cost of collection. The amount thereafter to be paid over to the Irish Free State shall be arrived at as follows:—

The total proceeds of the reserved taxes in the whole of Ireland, less 3 per cent., shall be ascertained and from this sum shall be deducted an amount equal to the Irish debt charge, if any, for the year as ascertained under Article 5, and any sum which the Irish

Free State shall have to disburse in Northern Ireland in respect of any service administered by the Irish Free State in that area. The free balance then remaining shall be allocated as between the Irish Free State and Northern Ireland in proportion to the population of the two areas.

Out of the proceeds of the reserved taxes collected in Northern Ireland, the Government of Northern Ireland shall retain, besides the first 3 per cent, a sum equal to the share of Northern Ireland in the free balance ascertained as above, and shall hand over the remainder to the Government of the Irish Free State.

## APPENDIX 10

### Conference on Ireland

(S.F.C. 29).
2 Whitehall Gardens, S.W.
2nd December, 1921

#### PROPOSED ARTICLES OF AGREEMENT

1. Ireland shall have the same constitutional status in the Community of Nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa, with a Parliament having powers to make laws for the peace order and good Government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State.

2. Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.

3. The representative of the Crown in Ireland shall be a Governor-General appointed in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointments.

4. The Oath to be taken by members of the Parliament of the Irish Free State shall be in the following form:—

> I.....solemnly swear to bear true faith and allegiance to the Constitution of the Irish Free State; to the Community of Nations known as the British Empire; and to the King as the Head of the State and of the Empire.

5. The Irish Free State shall contribute towards the service of the Public Debt of the United Kingdom as existing at the date hereof and towards the payment of war pensions as existing at that date such sums as may be fair and equitable, having regard to any just claims on the part of Ireland by way of set off or counter claim, the amount of such sums being determined in default of agreement by the arbitration of one or more independent persons being citizens of the British Empire.

6. Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of the British Islands, including Ireland, shall be undertaken exclusively by His Majesty's Imperial Forces.

The foregoing provisions of this article shall be reviewed at a Conference of Representatives of the British and Irish Governments to be held at the expiration of ten years from the date hereof.

7. The Government of the Irish Free State shall afford to His Majesty's Imperial Forces:—

(a) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State; and

(b) In time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.

8. With a view to securing the observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a local military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

9. No protective customs duties shall be imposed in Great Britain on Irish goods nor in Ireland on British Goods, but this provision shall not be construed as preventing the imposition of customs duties designed to prevent dumping or other unfair competition.

10. Neither Great Britain nor the Irish Free State shall impose restrictions for protective purposes upon the flow of transport, trade and commerce between Great Britain and Ireland.

11. The Government of the Irish Free State agrees to pay fair compensation on terms not less favourable than those accorded by the Act of 1920 to judges, officials, members of Police Forces and other Public Servants who are discharged by it or who retire in consequence of the change of Government effected in pursuance hereof.

Provided that this agreement shall not apply to Members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

12. During the period of transition, that is to say a period of 12 months after the date hereof or such shorter period as His Majesty in Council in pursuance of a resolution passed by both Houses of the Parliament of Northern Ireland may by order fix, the powers of the Parliament and Government of the Irish Free State shall not be exercisable as respects Northern Ireland, and the provisions of the Government of Ireland Act, 1920 (including those relating to the Council of Ireland) shall, so far as they relate to Northern Ireland remain of full force and effect, and no elections shall be held for the return of members to serve in the Parliament of the Irish Free State for constituencies in Northern Ireland, unless a resolution is passed by both Houses of the Parliament of Northern Ireland in favour of the holding of such elections before the end of the period of transition.

13. If after the expiration of six months and before the expiration of twelve months from the date hereof an address is presented to His Majesty by both Houses of the Parliament of Northern Ireland to that effect, the powers of the Parliament and Government of the Irish Free State shall no longer extend to Northern Ireland and the provisions of the Government of Ireland Act, 1920, (including those relating to the Council of Ireland) shall so far as they relate to Northern Ireland, continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications.

Provided that if such an address is so presented a Commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland and one who shall be Chairman to be appointed by the British Government shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions the boundaries between Northern Ireland and the rest of Ireland, and for the purposes of the Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

14. For the purpose of the last two foregoing articles the powers of the Parliament of Southern Ireland under the Government of Ireland Act, 1920, to elect members of the

Council of Ireland shall after the Parliament of the Irish Free State is constituted be exercised by that Parliament.

15. After the expiration of the period of transition, if no such address as is mentioned in Article 13 hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland the powers conferred on them by the Government of Ireland Act, 1920, but the Parliament and Government of the Irish Free State shall in Northern Ireland have in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws under that Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland) the same powers as in the rest of Ireland, subject however to the following provisions:—

(a) The Government of Northern Ireland shall exercise the powers of patronage with respect to offices in the public services administered by the Government of the Irish Free State (including judicial offices) the functions of which are discharged either wholly or mainly in Northern Ireland.

(b) The Government of Northern Ireland shall be charged with the duty of collecting all taxes leviable in Northern Ireland.

(A further clause dealing with the allocation between Northern and Southern Ireland of amounts collected and with discriminatory taxation will be circulated later.)

(c) No export duties shall without the consent of the Parliament of Northern Ireland be imposed on any manufactures of Northern Ireland.

(d) No import duties shall without the consent of the Parliament of Northern Ireland be imposed on goods used as raw material for manufactures in Northern Ireland.

(e) It shall be lawful for the Government of Northern Ireland to raise and maintain in addition to and for the purpose of the support of any police forces raised by them a local militia, so however that the establishments thereof shall not exceed in size such proportion of the establishments of any local military defence force maintained by the Government of the Irish Free State as that which the population of Northern Ireland bears to the population of the rest of Ireland, and no part of any local military defence force raised by the Government of the Irish Free State shall be stationed in Northern Ireland without the consent of the Government of Northern Ireland.

16. Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any laws so as either directly or indirectly to endow any religion, or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status, or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at a school or make any discrimination as respects state aid between schools under the management of different religious denominations, or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

17. By way of provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof and the constitution of a Parliament and Government of the Irish Free State in accordance therewith, steps shall be taken forthwith for summoning a meeting of members of Parliament elected for constituencies in Southern Ireland since the passing of the Government of Ireland Act, 1920, and for constituting a provisional Government, and the British Government shall take the steps necessary to transfer to such provisional Government the powers and machinery requisite for the discharge of its duties, provided that every member of such provisional Government shall have signified in writing the acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

18. This instrument shall be submitted forthwith by his Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to sit in the House of Commons of Southern Ireland, and if approved shall be ratified by the necessary legislation.

## ANNEX

The following are the specific facilities required.

*Dockyard Port at Berehaven*

(a) Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

*Queenstown*

(b) Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to be retained for use of His Majesty's Ships.

*Belfast Lough*

(c) Harbour defences to remain in charge of British care and maintenance parties.

*Lough Swilly*

(d) Harbour defences to remain in charge of British care and maintenance parties.

*Aviation*

(e) Facilities in the neighbourhood of the above Ports for coastal defence by air.

*Oil Fuel Storage*

(f) Haulbowline, Rathmullen } To be offered for sale to commercial companies under guarantee that purchasers shall maintain a certain minimum stock for Admiralty purposes.

2. A Convention shall be made between the British Government and the Government of the Irish Free State to give effect to the following conditions:—

(a) That Submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional wireless stations for communication with places outside Ireland.

(b) That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of the Irish Free State as at the date hereof and shall not be removed or added to except by agreement with the British Government.

(c) That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of the Irish Free State being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection, and guaranteeing the upkeep of existing telegraphic communication therewith.

3. A Convention shall be made between the same Governments for the regulation of Civil Communication by Air.

## APPENDIX 11

### COPY OF SECRETARY'S NOTES OF MEETINGS OF THE CABINET AND DELEGATION HELD 25TH NOVEMBER, 1921, AND 3RD DECEMBER, 1921

#### MEETING OF CABINET, 25th NOVEMBER, 1921

(a) The following formula was unanimously approved:—

"That Ireland shall recognise the British Crown for the purposes of the Association as symbol and accepted head of the combination of Associated States".

(b) Vote of annual voluntary sum to Civil List unanimously approved.

#### MEETING OF CABINET AND DELEGATION, 3rd DECEMBER, 1921

VIEWS OF DELEGATES

(a) Mr. Griffith in favour of Treaty. Refused to break on question of Crown and thereby hand to Ulster the position from which she had been driven.

(b) Mr. Barton of opinion that England's last word had not been reached and that she could not declare war on question of Allegiance. The Treaty would not give Dominion Status nor any guarantee re Ulster. Would vote against acceptance.

(c) Mr. Gavan Duffy agreed with Mr. Barton that England was bluffing and that the Irish proposals, with small reservations on Defence etc., could be obtained. Would like the Treaty to be rejected by An Dáil and sent back amended. Said "No" definitely to Treaty.

(d) Mr. Duggan agreed with Mr. Griffith. Believed Treaty to be England's last word and would not take responsibility of saying "No".

(e) Mr. Collins was in substantial agreement with Messrs. Griffith and Duggan. The non-acceptance of Treaty would be a gamble as England could arrange a war in Ireland within a week. Sacrifices to N.E. Ulster made for sake of essential unity and justified. With pressure further concessions could be obtained on Trade and Defence. Oath [of] Allegiance would not come into force for 12 months—question was, therefore, would it be worth while taking that 12 months and seeing how it would work. Would recommend that Dáil go to country on Treaty, but would recommend non-acceptance of Oath.

(f) Mr. Childers of opinion that Par. 6 of Treaty would give Ireland no national status. Sec. 7 (b) was important also as it meant that when England went to war she would bring Ireland with her.

(g) In reply to a question by Minister of Defence as to who was responsible for the splitting of the Delegation so that two Members (Messrs. Griffith and Collins) did most of the work and that the other members were not in possession of full information it was stated that the British Government was responsible for the arrangement but it had the approval of the whole Delegation.
The Minister of Defence here remarked that the British Government selected its men. On the motion of Mr. Griffith this remark was withdrawn.

#### MEETING OF CABINET, 3rd DECEMBER, 1921

(a) In the course of a lengthy discussion of the Treaty the President gave it as his opinion that it could not be accepted in its then form. He personally could not subscribe to the Oath of Allegiance nor could he sign any document which would give N.E. Ulster power to vote itself out of the Irish State. With modifications, however, it might be accepted honourably, and he would like to see the plenipotentiaries go back and secure peace if possible. He believed the Delegates had done their utmost and that it now remained to them to show that if document not amended that they were prepared to face the consequences—war or no war. He would deal with present document exactly as with that of 20th July—say it cannot be accepted and put up counter proposals.

(b) Mr. Griffith did not like the document but did not think it dishonourable. It would practically recognise the Republic and the first allegiance would be to Ireland. If it were rejected the people would be entitled to know what the alternative is. The country would not fight on the question of allegiance and there would be a split. He would not recommend the Government to accept but would say that the Plenipotentiaries should sign and leave it to President and Dáil to reject.

(c) The Minister for Defence was in perfect agreement with President, the only matter upon which he could disagree would be the question of recognising the King of England as Head of the Associated States.

(d) Document does not guarantee essential unity of Ireland.

MEETING OF CABINET AND DELEGATION, 3rd DECEMBER, 1921 (*resumed*)

(a) Mr. Griffith would not take the responsibility of breaking on the Crown. When as many concessions as possible conceded, and when accepted by Craig, he would go before the Dáil. The Dáil was the body to decide for or against war.

(b) The President took his stand upon last Irish proposals which meant external connection with the Crown. He suggested the following amendment to the Oath of Allegiance:—

"I.....do solemnly swear true faith and allegiance to the constitution of the Irish Free State, to the Treaty of Association and to recognise the King of Great Britain as Head of the Associated States."

(c) Delegates to carry out their original instructions with same powers.

(d) Delegation to return and say that Cabinet won't accept Oath of Allegiance if not amended and to face the consequences, assuming that England will declare war.

(e) Decided unanimously that present Oath of Allegiance could not be subscribed to.

(f) Mr. Griffith to inform Mr. Lloyd George that the document could not be signed, to state that it is now a matter for the Dáil, and to try and put the blame on Ulster.

(g) On a majority vote it was decided that the Delegation be empowered to meet Sir James Craig if they should think necessary. The following voted for and against:—

FOR: President, Finance, Foreign Affairs, Economics and Local Government.

AGAINST: Defence and Home Affairs.

(h) It was decided that the President would not join the Delegation in London at this stage of the Negotiations.

Colm Ó Murchadha,
ar son Runaidhe na hAireachta.

## APPENDIX 12

AMENDMENTS BY THE IRISH REPRESENTATIVES TO THE PROPOSED ARTICLES OF AGREEMENT, DECEMBER 4TH, 1921

1. The Legislative, executive and judicial authority of Ireland shall be derived exclusively from the Elected Representatives of the Irish people.

2. Ireland will agree to be associated with the British Commonwealth for all purposes of common concern, including defence, peace and war, and political treaties, and to recognise the British Crown as Head of the Association.

3. As a token of that recognition, the Irish legislature will vote an annual contribution to the King's personal revenue.

4. In matters of common concern, the rights and status of Ireland shall be in no respect less than those enjoyed by any of the component States of the British Commonwealth represented in the League of Nations. There shall be between Ireland and these States such concerted action, founded on consultation, as the several Governments may determine.

5. The Oath to be taken by members of the Irish Parliament shall be in the following form:—

I do swear to bear true faith and allegiance to the Constitution of Ireland and to the Treaty of Association of Ireland with the British Commonwealth of Nations, and to recognise the King of Great Britain as Head of the Associated States.

6. Ireland shall assume liability for such a portion, if any, of the Public Debt of Great Britain and Ireland existing at the date hereof and of the war pensions existing at that date as may be fair and equitable, having regard to any just claims, if any, on the part of Ireland by way of set off or counter claim, the amount of such sums being determined in default of agreement by the arbitration of one or more independent persons being citizens of the British Empire.

7. (1) As an associated State, Ireland recognises the obligation of providing for her own defence by sea, land and air, and of repelling by force any attempt to violate the integrity of her shores and territorial waters.

(2) For five years, pending the establishment of Irish Coastal Defence forces, facilities for the coastal defence of Ireland shall be afforded to the British Government as follows:—

(a) In time of peace such harbour and other facilities as are indicated in the Annex A hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State.

(b) In time of war such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.

8. With a view to securing the observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a local military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

9. No protective customs duties shall be imposed in Great Britain on Irish goods nor in Ireland on British goods, but this provision shall not be construed as preventing the imposition of customs duties designed against dumping or other unfair competition, nor as preventing the Irish Government from taking measures for the encouragement of infant industries and for the economic development of Ireland.

10. A Convention shall be made between the British and Irish Governments for the regulation of civil communication by air.

11. The Government of Ireland agrees to pay fair compensation on terms not less favourable than those accorded by the Act of 1920 to Judges, officials, members of Police Forces and other public servants who are discharged by it or who retire in consequence of the change of Government effected in pursuance hereof.

Provided that this agreement shall not apply to members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof.

The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

## ANNEX A

1. The following are the specific facilities required:—

*Dockyard Port at Berehaven*

(a) Admiralty jurisdiction to remain as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

*Belfast Lough*

(b) Harbour defences to remain in charge of British care and maintenance parties.

*Lough Swilly*

(c) Harbour defences to remain in charge of British care and maintenance parties.

*Aviation*

(d) Facilities in the neighbourhood of the above Ports for coastal defence by air.

*Oil Fuel Storage*

(e) Haulbowline, Rathmullen } To be offered for sale to commercial companies under guarantee that purchasers shall maintain a certain minimum stock for Admiralty purposes.

2. A Convention shall be made between the British Government and the Government of the Irish Free State to give effect to the following conditions:—

(a) That submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional wireless stations for communication with places outside Ireland.

(b) That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of the Irish Free State as at the date hereof and shall not be removed or added to except by agreement with the British Government.

(c) That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of the Irish Free State being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection, and guaranteeing the upkeep of existing telegraphic communication therewith.

## APPENDIX 13

MR. MICHAEL COLLINS' MINUTE OF HIS INTERVIEW WITH MR. LLOYD GEORGE AT 10, DOWNING STREET AT 9.30 A.M. MONDAY, DECEMBER 5TH, 1921.

Arising out of Mr. Jones' conversation with Mr. Griffith, the latter indicated to me last night that Mr. Lloyd George desired to see me. This conversation took place subsequent to the official conference held at 10, Downing Street on Sunday evening at 5 p.m. I did not attend this conference for the reason that I had, in my own estimation, argued fully

all points. This morning Mr. Griffith came to me again and suggested in his official capacity as Chairman of the Delegation that I should have the meeting with Mr. Lloyd George as so much depended on the Delegation at this vital time. Mr. Jones had suggested the interview for 9.15, but as I had not made up my mind until after speaking to Mr. Griffith this morning I did not see Mr. Lloyd George until 9.30 as stated above.

Acting on the general résumé of points of difference as sketched by me at the Cabinet Meeting on Saturday, 3rd instant, I had my points set out as follows:—

(1) The essential unity of Ireland. Suggestion that we should press for a letter from Craig indicating either:

(a) Acceptance of Conditions, and naming those Conditions.

(b) Rejection.

(2) Oath of Allegiance. Clause 4 of British Document.

(3) Defence. Clause 6 and Annex A. of British Document (29a)—date 1st December.[1]

(4) Trade. Clauses 9 and 10 of ditto.

Mr. Lloyd George opened the conversation indicating that he was having a meeting of his Cabinet at 12 o'clock and was putting it to them that the Conference had broken as a result of the interview last night. I said I understood that. He went on to say that the break was therefore definitely on the question of "within or without" the Empire (at this stage he did not refer to allegiance except to say that he would be willing to consider any form of Oath in order to meet, or attempt to meet, our wishes). I said I wished to express what my view was on their document. I said that I was perfectly dissatisfied with the position as regards the North East, and I put it to him definitely under headings (a) and (b) of paragraph 1 above. He remarked that I myself pointed out on a previous occasion that the North would be forced economically to come in. I assented but I said the position was so serious owing to certain recent actions that for my part I was anxious to secure a definite reply from Craig and his Colleagues, and that I was as agreeable to a reply rejecting as accepting. In view of the former we would save Tyrone and Fermanagh, parts of Derry, Armagh and Down by the boundary Commission, and thus avoid such things as the raid on the Tyrone County Council and the ejection of the staff. Another such incident would, in my view, inevitably lead to a conflict, and this conflict, in the nature of things (assuming for instance that some of the Anglo-Northern police were killed or wounded) would inevitably rapidly spread throughout Ireland. Mr. Lloyd George expressed a view that this might be put to Craig, and if so the safeguards would be a matter for working out between ourselves and Craig afterwards.

The question of the Oath was then referred to again, Mr. Lloyd George insisting that paragraphs 1 and 2 of their document were the substance, that a definite understanding had to be arrived at on those, then we could discuss the form of Oath.

I then passed on to Defence. I objected to Clause 6 on the ground that the word "exclusively" implied that we were not to take measures for raising coastal Defence forces. Mr. Lloyd George said that if I had the idea of building submarines they could not allow that. I said that my objection was on the principle that we could build nothing. If I were met on this part of the clause I thought we could find agreement and as to the second part of the clause I thought we could find agreement on the basis of an understanding that the Review Conference at the end of ten years definitely meant the transfer to the Government of the Irish Free State of the responsibility for coastal defence.

In dealing with this matter I asked for a definition of the term "Admiralty property and Rights" mentioned in paragraph 1, sub-heading (a) also that Mr. Churchill should define what he meant by "care and maintenance parties".

I passed on to paragraphs 9 and 10 and pointed out that it was the fetters I objected to in these clauses. Mr. Lloyd George suggested that if there were complete freedom on one side, there should also be complete freedom on the other. This I said would meet my view, as also would paragraph 8 on page 2 of our document of the 22nd November (Copy of paragraph 8 attached). Mr. Lloyd George made notes of all my objections as expressed

1 pendix 9.

above and suggested that if we thought fit he would meet us at 2 o'clock to-day. I left the appointment stand tentatively.

Finally the conversation developed into a statement by Mr. Lloyd George to the effect that were Clauses 1 and 2 accepted he would be in a position to hold up any action until we had, if we desired to do so, submitted the matter to DÁIL ÉIREANN and the country. I left it at that saying that unless I sent word to the contrary some members of the Delegation would meet him at 2 o'clock.

EXTRACT FROM DOCUMENT DATED 22ND NOVEMBER SUBMITTED BY THE IRISH REPRESENTATIVES

(TRADE CLAUSE, paragraph 8.)

"8. It is pointed out that the Memorandum submitted by the Irish Delegation on the 29th October contained the following:—

> 'We are prepared to execute a Trade Convention which, while recognising the advantage to both countries of the fullest freedom of trade, transport and commerce, will not derogate from Ireland's complete fiscal autonomy.'

Paragraphs 8 and 9 of the Memorandum handed to us on the 16th November do not, in our opinion, constitute a reply to this proposition, but, on the contrary, do imply a derogation from Ireland's complete fiscal autonomy, and do in their implication mean that Ireland must inevitably fall into a position of economic subservience which cannot be accepted by Ireland. It is therefore requested that our previous statement should be met and it is suggested that:

(a) An Agreement be reached as to the commodities that shall be dealt with on the basis of free trade, and

(b) An understanding be reached that each Government is free to deal with all other commodities as seems suitable to its own requirements."

## APPENDIX 14

MR. BARTON'S NOTES OF TWO SUB-CONFERENCES HELD ON DECEMBER 5TH/6TH, 1921, AT 10 DOWNING STREET

No. I—3 p.m.
No. II—11.30 p.m. to 2 a.m.

Present:

| *British Representatives* | *Irish Representatives* |
|---|---|
| MR. LLOYD GEORGE. | MR. GRIFFITH. |
| MR. CHAMBERLAIN. | MR. COLLINS. |
| LORD BIRKENHEAD. | MR. BARTON. |
| MR. CHURCHILL. | |

### SUB-CONFERENCE No. I—3 p.m.

The Conference opened by LLOYD GEORGE saying that he must know once and for all exactly where we stood as regards the Ulster proposals. He said that the Ulster proposals in the document now before us were exactly those to which Arthur Griffith had agreed and on which he had undertaken not to let him (Lloyd George) down.

ARTHUR GRIFFITH replied that he had not let him down and did not intend to do so but that before he gave a decision on the earlier articles in the document he must have a reply from Craig either accepting or refusing the unity of Ireland.

CHAMBERLAIN and LLOYD GEORGE argued that such a proposition was inadmissible, unreasonable and contrary to the undertaking not to let Lloyd George down.

MR. CHAMBERLAIN stated that it was due to the confidence they had in our undertaking that they would not be let down by us that his colleagues and he had adopted the attitude they did at the Liverpool meeting and staked thereon their political future.

MICHAEL COLLINS said that for us to agree to any conditions defining the future relations of Great Britain and Ireland prior to Craig's giving his assent to the unity of Ireland was impossible, that to do so would be to surrender our whole fighting position. That every document we ever sent them had stated that any proposals for the association of Ireland with the British Commonwealth of Nations was conditional upon the unity of Ireland. That, unless Craig accepted inclusion under the All-Ireland Parliament, the unity of Ireland was not assured and that if he refused inclusion we should be left in the position of having surrendered our position without having even secured the essential unity of Ireland.

LLOYD GEORGE got excited. He shook his papers in the air, declared that we were trying deliberately to bring about a break on Ulster because our people in Ireland had refused to come within the Empire and that Arthur Griffith was letting him down where he had promised not to do so. He produced a paper from an envelope, stated that he had shewn it to Arthur Griffith at ..... 's house and that Arthur Griffith had agreed to its contents. Lloyd George referred to this document as a letter and thereby mystified me and appeared to mystify Michael Collins. I could not recollect the existence of any letter on this subject other than the one Arthur Griffith wrote to Lloyd George on November 2nd after consultation with the other members of the Delegation. The paper was then passed across the table. It proved to be a memorandum, not a letter, and read as follows:—

> "If Ulster did not see her way to accept immediately the principle of a Parliament of All-Ireland—coupled with the retention by the Parliament of Northern Ireland of the powers conferred upon it by the Act of 1920 and such other safeguards as have already been suggested in my letter of 10th November—we should then propose to create such Parliament for All-Ireland but to allow Ulster the right within a specified time on an address to the Throne carried in both Houses of the Ulster Parliament to elect to remain subject to the Imperial Parliament for all the reserved services. In this case she would continue to exercise through her own Parliament all her present rights; she would continue to be represented in the British Parliament and she would continue subject to British taxation except in so far as already modified by the Act of 1920. In this case, however, it would be necessary to revise the boundary of Northern Ireland. This might be done by a Boundary Commission which would be directed to adjust the line both by inclusion and exclusion so as to make the Boundary conform as closely as possible to the wishes of the population."

ARTHUR GRIFFITH declared his adhesion to his undertaking but argued that it was not unreasonable for us to require that Craig should reply before we refused or accepted the proposals now before us.

LLOYD GEORGE declared that to make receipt of such a reply conditional before accepting or refusing was letting him down on his proposals because the only alternative to Craig's acceptance of the unity of Ireland was the Boundary Commission and that his Government would carry the Boundary Commission proposal they would have to withdraw to discuss the matter amongst themselves but first he would hear what objections or alterations we had to the proposals.

ARTHUR GRIFFITH replied that he understood from Michael Collins' interview with Lloyd George that certain alterations might possibly be made in the proposals.

LLOYD GEORGE asked what were the alterations we suggested but that we must

understand that the first three Clauses were absolutely essential. There could be no discussion about these.

ARTHUR GRIFFITH replied that some alteration might be made in the Oath.

BIRKENHEAD said that Mr. Collins had handed in to him that morning a form of oath on which he (Mr. Collins) had been working and then produced it with his (Birkenhead's) alterations. We objected to the final words being "British Empire" and suggested "British Commonwealth of Nations".

LLOYD GEORGE asked for any further objections.

WE objected to "shall contribute" in Clause 5 and desired insertion of "if any" after "such sums" and elsewhere.

CHAMBERLAIN said that these alterations were matters of wording only. On Clause 6 we argued at great length that the word "exclusively" precluded us from commencing to build vessels or make any preparations for taking over our own coastal defence at any time, and that the "Conference for Review" referred to in the second paragraph might never be held if the British did not wish to reconsider the subject. There was a long argument over this in which Churchill, Michael Collins and myself went over all the arguments again.

CHURCHILL stated that if Ireland were permitted any navy it would be impossible to get the Treaty through Parliament. That the English people would believe that we were going to build ships which in war might be used against them. That the possibility of our building submarines or mine-laying vessels to attack their food ships would be argued from every angle. The discussion lasted a long time. We demanded the removal of the word "exclusively"; this was grudgingly accorded. We then sought to get it explicitly stated that Ireland should be required to build one or more ships for her coastal protection; this was absolutely refused, except as regards revenue and fishery protection ships, and CHURCHILL stated that he would definitely oppose any provision that Ireland should have a navy of her own and would even oppose it five years hence if he had the opportunity.

MICHAEL COLLINS then took up the Trade Clause and said that Lloyd George had intimated that freedom on both sides might be accorded. He also dealt with the suggestion that the safeguards for Ulster should be a matter for discussion between ourselves and the Ulster representatives.

THE BRITISH then withdrew and we consulted amongst ourselves and decided that if they came back to break on our refusal to accept or refuse pending Craig's answer that Arthur Griffith's last card was to demand reference to the Colonial Premiers.

BIRKENHEAD then returned alone and took note again of the particular points we required changed.

On their return we again took up the points in dispute. First in Clause 6, to which CHURCHILL agreed to add "with a view to the undertaking by Ireland of a share of her own coastal defence," and to a date five years hence being fixed for the Conference to review the clause, but refused every proposition to make this apply to apply to (b) facilities in time of war. He refused to take "Queenstown" out of the Annex, and explained that care and maintenance parties meant gunners and trained men to take charge drawn from the R.G.A. and R.E., numbering 1,060 men and 69 officers or thereabouts. He also stated that "Admiralty property and rights" at Berehaven did not mean that they would demand compensation if at any time the docks etc. passed to us. BIRKENHEAD said that if they were handed over to the Crown representative in Ireland the Crown could not demand payment from the Crown.

LLOYD GEORGE said that on Trade he was prepared to agree provisionally that there should be freedom on both sides to impose any tariffs either liked subject to the Articles of Agreement being accepted by us. That he himself had been the strongest on their side on the compulsory Free Trade Clauses, but that he would withdraw his opposition on the conditions stated.

WE then went back to Ulster.

ARTHUR GRIFFITH agreed that he personally would sign the Treaty whether Craig accepted or not, but that his colleagues were in a different position from himself in that they were not party to the promise not to let Lloyd George down, and that it was not fair to demand acceptance or refusal from them before Craig replied.

> Considerable discussion took place here on the justice and injustice of our being asked to agree or disagree before Craig replied and ARTHUR GRIFFITH made repeated efforts to avoid the question being put to Michael Collins and myself.

LLOYD GEORGE stated that he had always taken it that Arthur Griffith spoke fo the Delegation, that we were all plenipotentiaries and that it was now a matter of peace or war and we must each of us make up our minds. He required that every Delegate should sign the document and recommend it, or there was no agreement. He said that they as a body had hazarded their political future and we must do likewise and take the same risks. At one time he particularly addressed himself to me and said very solemnly that those who were not for peace must take the full responsibility for the war that would immediately follow refusal by any Delegate to sign the Articles of Agreement.

He then produced two letters one of which he said he must that night send to Craig. One was a covering letter to H.M. Government's proposals for the future relations of Ireland and Great Britain and stated that the Irish Delegation had agreed to recommend them for acceptance by Dáil Éireann. The other stated that the Irish Delegation had failed to come to an agreement with H.M. Government and therefore he had no proposals to send to Craig.

LLOYD GEORGE stated that he would have to have our agreement or refusal to the proposals by 10 p.m. that evening. That a special train and destroyer were ready to carry either one letter or the other to Belfast and that he would give us until ten o'clock to decide.

We then argued that the twelve months transition period was of the greatest danger to our people. Craig could say "Yes" at any time; he could say "No" finally before six months but he need not say "No" for twelve months, so that for twelve months we might not know whether there was to be unity or not. Meantime life might be made intolerable for our people in Ulster.

LLOYD GEORGE argued that that contingency had been apparent from the first, but if it were a serious stumbling block we could shorten the transition period at any time we chose.

MICHAEL COLLINS said that the recent occurrences in Tyrone—the seizure of the County Council books, etc., and the support of the Ulster Government with English troops had shaken our confidence in their fidelity.

LLOYD GEORGE answered that they had no jurisdiction on this matter in Ulster. It was a matter over which the Northern Government had complete control under the 1920 Act. He then suggested that they should withdraw in order that we might discuss the duration of the transition period amongst ourselves. They did so.

WE decided to reduce the period to one month. Rang for them to return and stated our decision.

LLOYD GEORGE said he considered the decision ill advised as a month did not give the Ulster people sufficient time to reflect. He affirmed that Craig was going to refuse the terms and that he (Lloyd George) knew this for certain. However, as we preferred one month, he was prepared to accept the alteration and redraft the Clauses. A month was the least possible that could be given Craig to make a final decision. He then proposed that we dismiss and reassemble again at 10 to give him our final decision.

There was a discussion amongst ourselves lasting from 9 to 11.15 at 22 Hans Place at which a decision was eventually reached to recommend the Treaty to the Dáil.

SUB-CONFERENCE No. II

11.15 p.m.—2.20 a.m.

At 11.30 we returned to Downing Street and attacked the document again. We endeavoured to get Clause 3 removed, but failed. We however succeeded in getting the word "Governor-General" out, it being left to us to decide upon a term. The title "President", Chamberlain stated, was inadmissible.

MICHAEL COLLINS demanded and secured the removal of the word "local" as a prefix to the Irish Free State's military defence force.

They agreed to the verbal changes in financial clause 5. CHAMBERLAIN took exception to the "if anys" going in, as he said it was too late to quibble over such small points. We pointed out that Clause 9 was still left intact and that it should have been removed under the agreement on 8. LLOYD GEORGE said that it referred to transport only. It meant ships entering harbours and that there must be provision to prevent boycotting of English shipping. BIRKENHEAD said that the wording of the clause was ambiguous now that the compulsory Free Trade clause was gone and suggested redrafting it. This was done immediately.

MICHAEL COLLINS required the removal of Clause 14(e) (the Ulster Army) and that its substance be got into the safeguards for Ulster clause. This was agreed to.

MICHAEL COLLINS queried the reference to summoning of the Southern-Ireland Parliament in Clauses 15 & 17, and BIRKENHEAD immediately drafted an explanatory memorandum as follows:—

> "It is intended by Clauses 15 and 17 to make it plain that the functions therein referred to shall be discharged by the Provisional Government of Southern Ireland and that for that purpose a transfer shall be made by them of the necessary powers under the Government of Ireland Act, 1920, as soon as the mutual ratifications have been exchanged. The Provisional Government will it is contemplated upon such ratification undertake the Govt. of S. Ireland immediately until the necessary Acts in both Parliaments confer upon it the statutory authority contemplated in this instrument.
>
> B."

LLOYD GEORGE then asked whether we as a Delegation were prepared to accept these Articles of Agreement and to stand by them in our Parliament as they as a Delegation would stand by them in theirs.

ARTHUR GRIFFITH replied, "We do".

WE then discussed the release of the prisoners and procedure for ratification and other matters whilst awaiting the final draft.

The final draft was read over, agreed to and signed; also the Annex.

THE BRITISH DELEGATION lined up to shake hands and say goodbye, and the Conference ended at 2.20 a.m. on December 6th.

## APPENDIX 15

DÁIL ÉIREANN

SESSION: 14TH DECEMBER, 1921

Text of Treaty between Great Britain and Ireland signed 6th December, 1921. To be submitted to Dáil Éireann for Ratification by Mr. Arthur Griffith, T.D., Chairman of the Irish Delegation of Plenipotentiaries.

Conference on Ireland

October 11th—December 6th, 1921

*British Delegation.*

MR. LLOYD GEORGE.
MR. CHAMBERLAIN.
LORD BIRKENHEAD.
MR. CHURCHILL.
SIR L. WORTHINGTON-EVANS.
SIR HAMAR GREENWOOD
AND
SIR GORDON HEWART.

*Secretaries.*

MR. THOMAS JONES.
MR. LIONEL CURTIS.

*Irish Delegation.*

MR. ARTHUR GRIFFITH.
MR. MICHAEL COLLINS.
MR. ROBERT BARTON.
MR. E. J. DUGGAN.
MR. GAVAN DUFFY.

*Secretaries.*

MR. ERSKINE CHILDERS.
MR. FIONAN LYNCH.
MR. JOHN CHARTRES.
MR. DIARMUID O'HEGARTY.

Treaty between Great Britain and Ireland.

Articles of Agreement.

Signed December 6th, 1921.

## Treaty between Great Britain and Ireland

### Articles of Agreement

1. Ireland shall have the same constitutional status in the Community of Nations known as the British Empire, as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa with a Parliament having powers to make laws for the peace, order and good government of Ireland and an Executive responsible to that Parliament, and shall be styled and known as the Irish Free State.

2. Subject to the provisions hereinafter set out the position of the Irish Free State in relation to the Imperial Parliament and Government and otherwise shall be that of the Dominion of Canada, and the law, practice and constitutional usage governing the relationship of the Crown or the representative of the Crown and of the Imperial Parliament to the Dominion of Canada shall govern their relationship to the Irish Free State.

3. The representative of the Crown in Ireland shall be appointed in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointments.

4. The oath to be taken by Members of the Parliament of the Irish Free State shall be in the following form:—

> I.....do solemnly swear true faith and allegiance to the Constitution of the Irish Free State as by law established, and that I will be faithful to H.M. King George V., his heirs and successors by law, in virtue of the common citizenship of Ireland with Great Britain and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

5. The Irish Free State shall assume liability for the service of the Public Debt of the United Kingdom as existing at the date hereof and towards the payment of war pensions as existing at that date in such proportion as may be fair and equitable, having regard to any just claims on the part of Ireland by way of set off or counter-claim, the amount of such sums being determined in default of agreement by the arbitration of one or more independent persons being citizens of the British Empire.

6. Until an arrangement has been made between the British and Irish Governments whereby the Irish Free State undertakes her own coastal defence, the defence by sea of Great Britain and Ireland shall be undertaken by His Majesty's Imperial Forces, but this shall not prevent the construction or maintenance by the Government of the Irish Free State of such vessels as are necessary for the protection of the Revenue or the Fisheries.

The foregoing provisions of this article shall be reviewed at a conference of Representatives of the British and Irish Governments to be held at the expiration of five years from the date hereof with a view to the undertaking by Ireland of a share in her own coastal defence.

7. The Government of the Irish Free State shall afford to His Majesty's Imperial Forces:—

> (a) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed between the British Government and the Government of the Irish Free State; and
>
> (b) In time of war or of strained relations with a Foreign Power such harbour and other facilities as the British Government may require for the purposes of such defence as aforesaid.

8. With a view to securing the observance of the principle of international limitation of armaments, if the Government of the Irish Free State establishes and maintains a military defence force, the establishments thereof shall not exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

9. The ports of Great Britain and the Irish Free State shall be freely open to the ships of the other country on payment of the customary port and other dues.

10. The Government of the Irish Free State agrees to pay fair compensation on terms not less favourable than those accorded by the Act of 1920 to judges, officials, members of Police Forces and other Public Servants who are discharged by it or who retire in consequence of the change of Government effected in pursuance hereof.

Provided that this agreement shall not apply to members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

11. Until the expiration of one month from the passing of the Act of Parliament for the ratification of this instrument, the powers of the Parliament and the Government of the Irish Free State shall not be exercisable as respects Northern Ireland, and the provisions of the Government of Ireland Act, 1920, shall, so far as they relate to Northern Ireland, remain in full force and effect, and no election shall be held for the return of members to serve in the Parliament of the Irish Free State for constituencies in Northern Ireland, unless a resolution is passed by both Houses of the Parliament of Northern Ireland in favour of the holding of such elections before the end of the said month.

12. If before the expiration of the said month, an address is presented to His Majesty by both Houses of the Parliament of Northern Ireland to that effect, the powers of the Parliament and the Government of the Irish Free State shall no longer extend to Northern Ireland, and the provisions of the Government of Ireland Act, 1920 (including those relating to the Council of Ireland) shall so far as they relate to Northern Ireland, continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications.

Provided that if such an address is so presented a Commission consisting of three persons, one to be appointed by the Government of the Irish Free State, one to be appointed by the Government of Northern Ireland, and one who shall be Chairman to be appointed by the British Government shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions, the boundaries between Northern Ireland and the rest of Ireland, and for the purposes of the Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

13. For the purpose of the last foregoing article, the powers of the Parliament of Southern Ireland under the Government of Ireland Act, 1920, to elect members of the Council of Ireland shall after the Parliament of the Irish Free State is constituted be exercised by that Parliament.

14. After the expiration of the said month, if no such address as is mentioned in Article 12 hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland the powers conferred on them by the Government of Ireland Act, 1920, but the Parliament and Government of the Irish Free State shall in Northern Ireland have in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws under that Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland) the same powers as in the rest of Ireland, subject to such other provisions as may be agreed in manner hereinafter appearing.

15. At any time after the date hereof the Government of Northern Ireland and the provisional Government of Southern Ireland hereinafter constituted may meet for the purpose of discussing the provisions subject to which the last foregoing Article is to operate in the event of no such address as is herein mentioned being presented and those provisions may include:—

(a) Safeguards with regard to patronage in Northern Ireland.

(b) Safeguards with regard to the collection of revenue in Northern Ireland.

(c) Safeguards with regard to import and export duties affecting the trade or industry of Northern Ireland.

(d) Safeguards for minorities in Northern Ireland.

(e) The settlement of the financial relations between Northern Ireland and the Irish Free State.

(f) The establishment and powers of a local militia in Northern Ireland and the relation of the Defence Forces of the Irish Free State and of Northern Ireland respectively,

and if at any such meeting provisions are agreed to, the same shall have effect as if they were included amongst the provisions subject to which the powers of the Parliament and the Government of the Irish Free State are to be exercisable in Northern Ireland under Article 14 hereof.

16. Neither the Parliament of the Irish Free State nor the Parliament of Northern Ireland shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school or make any discrimination as respects State aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

17. By way of provisional arrangement for the administration of Southern Ireland during the interval which must elapse between the date hereof and the constitution of a Parliament and Government of the Irish Free State in accordance therewith, steps shall be taken forthwith for summoning a meeting of members of Parliament elected for constituencies in Southern Ireland since the passing of the Government of Ireland Act, 1920, and for constituting a provisional Government, and the British Government shall take the steps necessary to transfer to such provisional Government the powers and machinery requisite for the discharge of its duties, provided that every member of such provisional Government shall have signified in writing his or her acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

18. This instrument shall be submitted forthwith by His Majesty's Government for the approval of Parliament and by the Irish signatories to a meeting summoned for the purpose of the members elected to sit in the House of Commons of Southern Ireland and if approved shall be ratified by the necessary legislation.

(Signed),

| On behalf of the British Delegation. | On behalf of the Irish Delegation. |
|---|---|
| D. Lloyd George. | Art Ó Gríobhtha. |
| Austen Chamberlain. | Mícheál Ó Coileáin. |
| Birkenhead. | Riobárd Bartún. |
| Winston S. Churchill. | E. S. Ó Dugáin. |
| L. Worthington-Evans. | Seórsa Ghabháin Uí Dhubhthaigh. |
| Hamar Greenwood. | |
| Gordon Hewart. | |

6th December, 1921.

## ANNEX

1. The following are the specific facilities required:—

*Dockyard Port at Berehaven*

(a) Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

*Queenstown*

(b) Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to be retained for use of His Majesty's ships.

*Belfast Lough*

(c) Harbour defences to remain in charge of British care and maintenance parties.

*Lough Swilly*

(d) Harbour defences to remain in charge of British care and maintenance parties.

*Aviation*

(e) Facilities in the neighbourhood of the above ports for coastal defence by air.

*Oil Fuel Storage*

(f) Haulbowline, Rathmullen } To be offered for sale to commercial companies under guarantee that purchasers shall maintain a certain minimum stock for Admiralty purposes.

2. A Convention shall be made between the British Government and the Government of the Irish Free State to give effect to the following conditions:

(a) That submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional wireless stations for communication with places outside Ireland.

(b) That lighthouses, buoys, beacons and any navigational marks or navigational aids shall be maintained by the Government of the Irish Free State as at the date hereof and shall not be removed or added to except by agreement with the British Government.

(c) That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of the Irish Free State being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection and guaranteeing the upkeep of existing telegraphic communication therewith.

3. A Convention shall be made between the same Governments for the regulation of Civil Communication by Air.

## APPENDIX 16

[LETTER FROM D. LLOYD GEORGE TO A. GRIFFITH]

10, Downing Street, S.W.1.
13th December, 1921.

Sir,

As doubts may be expressed regarding certain points not specifically mentioned in the Treaty terms I think it is important that their meaning should be clearly understood.

The first question relates to the method of appointment of the Representatives of the Crown in Ireland. Article III of the Agreement lays down that he is to be appointed "in like manner as the Governor-General of Canada and in accordance with the practice observed in the making of such appointment." This means that the Government of the Irish Free State will be consulted so as to ensure a selection acceptable to the Irish Government before any recommendation is made to His Majesty.

The second question is as to the scope of the Arbitration contemplated in Article V regarding Ireland's liability for a share of War Pensions and the Public Debt. The procedure contemplated by the Conference was that the British Government should submit its claim, and that the Government of the Irish Free State should submit any counterclaim to which it thought Ireland entitled. Upon the case so submitted the Arbitrators would decide after making such further enquiries as they might think necessary; their decision would then be final and binding on both parties. It is of course understood that the arbitrator or arbitrators to whom the case is referred shall be men as to whose impartiality both the British Government and the Government of the Irish Free State are satisfied.

The third question relates to the status of the Irish Free State. The special arrangements agreed between us in Articles VI, VII, VIII and IX, which are not in the Canadian constitution in no way affect status. They are necessitated by the proximity and interdependence of the two islands—by conditions, that is, which do not exist in the case of Canada. They in no way affect the position of the Irish Free State in the Commonwealth or its title to representation, like Canada, in the Assembly of the League of Nations. They were agreed between us for our mutual benefit, and have no bearing of any kind upon the question of status. It is our desire that Ireland shall rank as co-equal with the other nations of the Commonwealth, and we are ready to support her claim to a similar place in the League of Nations as soon as her new constitution comes into effect.

The framing of that constitution will be in the hands of the Irish Government, subject of course to the terms of the Agreement, and to the pledges given in respect of the minority by the head of the Irish Delegation. The establishment and composition of the Second Chamber is therefore in the discretion of the Irish people. There is nothing in the Articles of Agreement to suggest that Ireland is in this respect bound to the Canadian model.

I may add that we propose to begin withdrawing the military and Auxiliary Forces of the Crown in Southern Ireland when the Articles of Agreement are ratified.

I am, Sir,
Your Obedient Servant,
D. Lloyd George.

A. Griffith, Esq.,
Mansion House,
Dublin.

## APPENDIX 17

### PROPOSED TREATY OF ASSOCIATION BETWEEN IRELAND AND THE BRITISH COMMONWEALTH PRESENTED BY PRESIDENT DE VALERA TO THE SECRET SESSION OF AN DÁIL

In order to bring to an end the long and ruinous conflict between Great Britain and Ireland by a sure and lasting peace honourable to both nations, it is agreed

1. That the legislative, executive, and judicial authority of Ireland shall be derived solely from the people of Ireland.

2. That, for purposes of common concern, Ireland shall be associated with the States of the British Commonwealth, viz: the Kingdom of Great Britain, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa.

3. That when acting as an associate the rights, status, and privileges of Ireland shall be in no respect less than those enjoyed by any of the component states of the British Commonwealth.

4. That the matters of "common concern" shall include Defence, Peace and War, Political Treaties, and all matters now treated as of common concern amongst the States of the British Commonwealth, and that in these matters there shall be between Ireland and the States of the British Commonwealth "such concerted action founded on consultation as the several Governments may determine".

5. That in virtue of this association of Ireland with the States of the British Commonwealth citizens of Ireland in any of these States shall not be subject to any disabilities which a citizen of one of the component States of the British Commonwealth would not be subject to, and reciprocally for citizens of these States in Ireland.

6. That, for purposes of the Association, Ireland shall recognise His Britannic Majesty as head of the Association.

7. That, so far as her resources permit, Ireland shall provide for her own defence by sea, land and air, and shall repel by force any attempt by a foreign power to violate the integrity of her soil and territorial waters, or to use them for any purpose hostile to Great Britain and the other associated States.

8. That for five years, pending the establishment of Irish coastal defence forces, or for such other period as the Governments of the two countries may later agree upon, facilities for the coastal defence of Ireland shall be given to the British Government as follows:

(a) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed upon between the British Government and the Government of Ireland.

(b) In time of war such harbour and other Naval facilities as the British Government may reasonably require for the purposes of such defence as aforesaid.

9. That within five years from the date of exchange of ratifications of this treaty a conference between the British and Irish Governments shall be held in order to arrange for the handing over of the coastal defence of Ireland to the Irish Government unless some other arrangement for naval defence be agreed by both Governments to be desirable in the common interest of Ireland, Great Britain, and the other associated States.

10. That, in order to co-operate in furthering the principle of international limitation of armaments, the Government of Ireland shall not

(a) Build submarines unless by agreement with Great Britain and the other States of the Commonwealth.

(b) Maintain a military defence force, the establishments whereof exceed in size

such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

11. That the Governments of Great Britain and of Ireland shall make a convention for the regulation of civil communication by air.

12. That the ports of Great Britain and of Ireland shall be freely open to the ships of each country on payment of the customary port and other dues.

13. That Ireland shall assume liability for such share of the present public debt of Great Britain and Ireland and of the payment of war pensions as existing at this date as may be fair and equitable, having regard to any just claims on the part of Ireland by way of set off or counter claim, the amount of such sums being determined, in default of agreement, by the arbitration of one or more independent persons being citizens of Ireland or of the British Commonwealth.

14. That the Government of Ireland agrees to pay compensation on terms not less favourable than those proposed by the British Government of Ireland Act of 1920 to judges, officials, members of Police Forces and other Public Servants who are discharged by it or who retire in consequence of the change of government effected in pursuance hereof.

Provided that this agreement shall not apply to members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

15. That neither the Parliament of Ireland nor the Parliament of that part of the province of Ulster which is defined as Northern Ireland in the British Government of Ireland Act, 1920, shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school or make any discrimination as respects State aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

16. That by way of transitional arrangement for the Administration of Ireland during the interval which must elapse between the date hereof and the setting up of a Parliament and Government of Ireland in accordance herewith, the members elected for constituencies in Ireland since the passing of the British Government of Ireland Act in 1920 shall at a meeting summoned for the purpose elect a transitional government to which the British Government and Dáil Éireann shall transfer the authority, powers and machinery requisite for the discharge of its duties, provided that every member of such transitional government shall have signified in writing his or her acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

17. That without recognising the right of any part of Ireland to be excluded from the supreme authority of the national Parliament and Government; nevertheless, in sincere regard for internal peace, and in the desire to bring no force or coercion to bear upon any substantial part of the province of Ulster whose inhabitants may now be opposed to the acceptance of the National Authority, the following provisions shall have effect in the case of that portion of Ulster which is defined as "Northern Ireland" in the British Government of Ireland Act, 1920.

18. Until the expiration of one month from the passing of the Act of Parliament for the ratification of this instrument, the powers of the Parliament and the Government of Ireland shall not be exercisable as respects Northern Ireland, and the provisions of the British Government of Ireland Act, 1920, shall, so far as they relate to Northern Ireland have full force and effect, and no election shall be held for the return of members to serve in the Parliament of Ireland for constituencies in Northern Ireland, unless a resolution

is passed by both Houses of the Parliament of Northern Ireland in favour of the holding of such elections before the end of the said month.

19. If before the expiration of the said month, an address is presented to His Majesty by both Houses of the Parliament of Northern Ireland to that effect, the powers of the Parliament and the Government of Ireland shall no longer extend to Northern Ireland, and the provisions of the British Government of Ireland Act, 1920, (including those relating to the Council of Ireland) shall so far as they relate to Northern Ireland, continue to be of full force and effect, and this instrument shall have effect subject to the necessary modifications.

Provided that if such an address is so presented a Commission consisting of three persons, one to be appointed by the Government of Ireland, one to be appointed by the Government of Northern Ireland, and one who shall be Chairman to be appointed by the British Government shall determine in accordance with the wishes of the inhabitants, so far as may be compatible with economic and geographic conditions the boundaries between Northern Ireland and the rest of Ireland, and for the purposes of the British Government of Ireland Act, 1920, and of this instrument, the boundary of Northern Ireland shall be such as may be determined by such Commission.

20. For the purpose of the last foregoing article, the powers of the Parliament, defined as the Parliament of Southern Ireland under the British Government of Ireland Act, 1920, to elect members of the Council of Ireland shall be exercised by the Parliament of Ireland.

21. After the expiration of the said month, if no such address as is mentioned in Article 19 hereof is presented, the Parliament and Government of Northern Ireland shall continue to exercise as respects Northern Ireland the powers conferred on them by the British Government of Ireland Act, 1920, but the Parliament and Government of Ireland shall in Northern Ireland have in relation to matters in respect of which the Parliament of Northern Ireland has not power to make laws under that Act (including matters which under the said Act are within the jurisdiction of the Council of Ireland) the same powers as in the rest of Ireland, subject to such other provisions as may be agreed in manner hereinafter appearing.

22. At any time after the date hereof the Government of Northern Ireland and the transitional Government of Ireland provided for in Article 16 may meet for the purpose of discussing the provisions subject to which the last foregoing Article is to operate in the event of no such address as is therein mentioned being presented and those provisions may include:—

(a) Safeguards with regard to patronage in Northern Ireland.

(b) Safeguards with regard to the collection of revenue in Northern Ireland.

(c) Safeguards with regard to import and export duties affecting the trade or industry of Northern Ireland.

(d) Safeguards for minorities in Northern Ireland.

(e) The settlement of the financial relations between Northern Ireland and Ireland.

(f) The establishment and powers of a local militia in Northern Ireland and the relation of the Defence Forces of Ireland and of Northern Ireland respectively,

and if at any such meeting provisions are agreed to, the same shall have effect as if they were included amongst the provisions subject to which the powers of the Parliament and the Government of Ireland are to be exercisable in Northern Ireland under Article 21 hereof.

23. That this instrument shall be submitted forthwith by His Britannic Majesty's Government for the approval of the Parliament at Westminster, and by the Cabinet of Dáil Éireann to a meeting of the members elected for the constituencies in Ireland set forth in the British Government of Ireland Act, 1920, and if approved shall be ratified by the necessary legislation.

## ANNEX

1. The following are the specific facilities referred to:—

*Dockyard Port at Berehaven*

(a) Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

*Queenstown*

(b) Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to be retained for use of His Majesty's ships.

*Belfast Lough*

(c) Harbour defences to remain in charge of British care and maintenance parties.

*Lough Swilly*

(d) Harbour defences to remain in charge of British care and maintenance parties.

*Aviation*

(e) Facilities in the neighbourhood of the above ports for coastal defence by air.

*Oil Fuel Storage*

(f) Haulbowline, Rathmullen } To be offered for sale to commercial companies under guarantee that purchasers shall maintain a certain minimum stock for Admiralty purposes.

2. A Convention covering a period of five years shall be made between the British and Irish Governments to give effect to the following conditions :

(a) That submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional wireless stations for communication with places outside Ireland.

(b) That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of Ireland as at the date hereof and shall not be removed or added to except by agreement with the British Government.

(c) That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of Ireland being offered the option of taking them over and working them for commercial purposes subject to Admiralty inspection and guaranteeing the upkeep of existing telegraphic communication therewith.

## APPENDIX 18

### THE PRESIDENT'S ALTERNATIVE PROPOSALS

The following Motion will be proposed by the President at the present Session of Dáil Éireann:

> "That inasmuch as the 'Articles of Agreement for a Treaty between Great Britain and Ireland', signed in London on December 6th, 1921, do not reconcile Irish National aspirations and the Association of Ireland with the Community of Nations known as the British Commonwealth, and can not be the basis of an enduring peace between the Irish and the British peoples, DÁIL ÉIREANN, in the name of the Sovereign Irish Nation, makes to the Government of Great Britain, to the Governments of the other States of the British Commonwealth, and to the peoples of Great Britain and of these several States, the following Proposal for a Treaty of Amity and Association which DÁIL ÉIREANN is convinced could be entered into by the Irish people with the sincerity of goodwill":—

### PROPOSED TREATY OF ASSOCIATION BETWEEN IRELAND AND THE BRITISH COMMONWEALTH

In order to bring to an end the long and ruinous conflict between Great Britain and Ireland by a sure and lasting peace honourable to both nations, it is agreed

*Status of Ireland*

1. That the legislative, executive, and judicial authority of Ireland shall be derived solely from the people of Ireland.

*Terms of Association*

2. That, for purposes of common concern, Ireland shall be associated with the States of the British Commonwealth, viz: the Kingdom of Great Britain, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa.

3. That when acting as an associate the rights, status, and privileges of Ireland shall be in no respect less than those enjoyed by any of the component States of the British Commonwealth.

4. That the matters of "common concern" shall include Defence, Peace and War, Political Treaties, and all matters now treated as of common concern amongst the States of the British Commonwealth, and that in these matters there shall be between Ireland and the States of the British Commonwealth "such concerted action founded on consultation as the several Governments may determine".

5. That in virtue of this association of Ireland with the States of the British Commonwealth citizens of Ireland in any of these States shall not be subject to any disabilities which a citizen of one of the component States of the British Commonwealth would not be subject to, and reciprocally for citizens of these States in Ireland.

6. That, for purposes of the Association, Ireland shall recognise His Britannic Majesty as head of the Association.

*Defence*

7. That, so far as her resources permit, Ireland shall provide for her own defence by sea, land and air, and shall repel by force any attempt by a foreign power to violate the integrity of her soil and territorial waters, or to use them for any purpose hostile to Great Britain and the other associated States.

8. That for five years, pending the establishment of Irish coastal defence forces, or for such other period as the Governments of the two countries may later agree upon,

facilities for the coastal defence of Ireland shall be given to the British Government as follows:

(a) In time of peace such harbour and other facilities as are indicated in the Annex hereto, or such other facilities as may from time to time be agreed upon between the British Government and the Government of Ireland.

(b) In time of war such harbour and other Naval facilities as the British Government may reasonably require for the purposes of such defence as aforesaid.

9. That within five years from the date of exchange of ratifications of this treaty a conference between the British and Irish Governments shall be held in order to hand over the coastal defence of Ireland to the Irish Government, unless some other arrangement for naval defence be agreed by both Governments to be desirable in the common interest of Ireland, Great Britain, and the other associated States.

10. That, in order to co-operate in furthering the principle of international limitation of armaments, the Government of Ireland shall not

(a) Build submarines unless by agreement with Great Britain and the other States of the Commonwealth.

(b) Maintain a military defence force, the establishments whereof exceed in size such proportion of the military establishments maintained in Great Britain as that which the population of Ireland bears to the population of Great Britain.

*Miscellaneous*

11. That the Governments of Great Britain and of Ireland shall make a convention for the regulation of civil communication by air.

12. That the ports of Great Britain and of Ireland shall be freely open to the ships of each country on payment of the customary port and other dues.

13. That Ireland shall assume liability for such share of the present public debt of Great Britain and Ireland and of the payment of war pensions as existing at this date as may be fair and equitable, having regard to any just claims on the part of Ireland by way of set off or counter claim, the amount of such sums being determined, in default of agreement, by the arbitration of one or more independent persons being citizens of Ireland or of the British Commonwealth.

14. That the Government of Ireland agrees to pay compensation on terms not less favourable than those proposed by the British Government of Ireland Act of 1920 to that Government's judges, officials, members of Police Forces and other Public Servants who are discharged by the Government of Ireland or who retire in consequence of the change of government effected in pursuance hereof.

Provided that this agreement shall not apply to members of the Auxiliary Police Force or to persons recruited in Great Britain for the Royal Irish Constabulary during the two years next preceding the date hereof. The British Government will assume responsibility for such compensation or pensions as may be payable to any of these excepted persons.

15. That neither the Parliament of Ireland nor any subordinate legislature in Ireland shall make any law so as either directly or indirectly to endow any religion or prohibit or restrict the free exercise thereof or give any preference or impose any disability on account of religious belief or religious status or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school or make any discrimination as respects State aid between schools under the management of different religious denominations or divert from any religious denomination or any educational institution any of its property except for public utility purposes and on payment of compensation.

*Transitional*

16. That by way of transitional arrangement for the Administration of Ireland during the interval which must elapse between the date hereof and the setting up of a Parliament and Government of Ireland in accordance herewith, the members elected for constituencies in Ireland since the passing of the British Government of Ireland Act in 1920 shall at a meeting summoned for the purpose elect a transitional government to which the British Government and Dáil Éireann shall transfer the authority, powers and machinery requisite for the discharge of its duties, provided that every member of such transitional government shall have signified in writing his or her acceptance of this instrument. But this arrangement shall not continue in force beyond the expiration of twelve months from the date hereof.

*Ratification*

17. That this instrument shall be submitted for ratification forthwith by His Britannic Majesty's Government to the Parliament at Westminster, and by the Cabinet of Dáil Éireann to a meeting of the members elected for the constituencies in Ireland set forth in the British Government of Ireland Act 1920, and when ratifications have been exchanged shall take immediate effect.

## ANNEX

1. The following are the specific facilities referred to in Article 8 (a):—

*Dockyard Port at Berehaven*

(a) British Admiralty property and rights to be retained as at the date hereof. Harbour defences to remain in charge of British care and maintenance parties.

*Queenstown*

(b) Harbour defences to remain in charge of British care and maintenance parties. Certain mooring buoys to be retained for use of His Britannic Majesty's ships.

*Belfast Lough*

(c) Harbour defences to remain in charge of British care and maintenance parties.

*Lough Swilly*

(d) Harbour defences to remain in charge of British care and maintenance parties.

*Aviation*

(e) Facilities in the neighbourhood of the above ports for coastal defence by air.

*Oil Fuel Storage*

(f) Haulbowline, Rathmullen } To be offered for sale to commercial companies under guarantee that purchasers shall maintain a certain minimum stock for British Admiralty purposes.

2. A Convention covering a period of five years shall be made between the British and Irish Governments to give effect to the following conditions:

(a) That submarine cables shall not be landed or wireless stations for communication with places outside Ireland be established except by agreement with the British Government; that the existing cable landing rights and wireless concessions shall not be withdrawn except by agreement with the British Government; and that the British Government shall be entitled to land additional submarine cables or establish additional wireless stations for communication with places outside Ireland.

(b) That lighthouses, buoys, beacons, and any navigational marks or navigational aids shall be maintained by the Government of Ireland as at the date hereof and shall not be removed or added to except by agreement with the British Government.

(c) That war signal stations shall be closed down and left in charge of care and maintenance parties, the Government of Ireland being offered the option of taking them over and working them for commercial purposes subject to British Admiralty inspection and guaranteeing the upkeep of existing telegraphic communication therewith.

## ADDENDUM

### North East Ulster

RESOLVED:

That whilst refusing to admit the right of any part of Ireland to be excluded from the supreme authority of the Parliament of Ireland, or that the relations between the Parliament of Ireland and any subordinate legislature in Ireland can be a matter for treaty with a Government outside Ireland, nevertheless, in sincere regard for internal peace, and in order to make manifest our desire not to bring force or coercion to bear upon any substantial part of the province of Ulster, whose inhabitants may now be unwilling to accept the national authority, we are prepared to grant to that portion of Ulster which is defined as Northern Ireland in the British Government of Ireland Act of 1920, privileges and safeguards not less substantial than those provided for in the "Articles of Agreement for a Treaty" between Great Britain and Ireland signed in London on December 6th, 1921.

## APPENDIX 19

### Dáil Éireann

*Extract from Minutes of Meeting on 16th August 1921.*

COPY OF ROLL[1]

| | | |
|---|---|---|
| Antrim .. .. .. | 1. John M. Barbour | Absent |
| | 2. Hon. R. W. H. O'Neill | ,, |
| | 3. George B. Hanna | ,, |
| | 4. R. Crawford | ,, |
| | 5. R. D. Megaw | ,, |
| | 6. J. F. Gordon | ,, |
| | 7. Joseph Devlin | ,, |
| Armagh .. .. .. | 1. Michael Collins | Present |
| | 2. Richard Best, K.C. | Absent |
| | 3. D. Graham Shillington | ,, |
| | 4. J. D. Nugent | ,, |
| Cavan .. .. .. | 1. Arthur Griffith | Present |
| | 2. Seán Milroy | ,, |
| | 3. Peter P. Galligan | ,, |

[1]Corrections have been made to some of the names in this Roll. It has *inter alia* been checked against an official list of members of the House of Commons of Northern Ireland.

| | | |
|---|---|---|
| Carlow and Kilkenny .. | 1. James Lennon | Present |
| | 2. William T. Cosgrave | ,, |
| | 3. G. O'Sullivan | ,, |
| | 4. Edward Aylward | ,, |
| Clare .. .. .. | 1. Eamon de Valera | ,, |
| | 2. Brian O'Higgins | ,, |
| | 3. Patrick Brennan | ,, |
| | 4. Seán Liddy | ,, |
| Cork, West, South and Mid. | 1. Michael Collins | ,, |
| | 2. John Hayes | ,, |
| | 3. Patrick O'Keeffe | ,, |
| | 4. John MacSwiney | ,, |
| | 5. John Hales | ,, |
| | 6. John Moylan | ,, |
| | 7. Daniel Corkery | ,, |
| | 8. John Nolan | ,, |
| Cork N.E. and E. .. | 1. Thomas Hunter | ,, |
| | 2. James Fitzgerald | ,, |
| | 3. David R. Kent | ,, |
| Derry .. .. .. | 1. Eoin MacNeill | ,, |
| | 2. Sir R. Anderson | Absent |
| | 3. Mrs. R. P. D. Chichester | ,, |
| | 4. J. Martin Mark | ,, |
| | 5. G. Leeke | ,, |
| Donegal .. .. .. | 1. Joseph O'Doherty | Present |
| | 2. Joseph Sweeney | ,, |
| | 3. P. J. Ward | ,, |
| | 4. Dr. J. P. McGinley | ,, |
| | 5. P. McGoldrick | ,, |
| | 6. S. O'Flaherty | ,, |
| Down .. .. .. | 1. Eamon de Valera | Present |
| | 2. Sir James Craig | Absent |
| | 3. J. Miller Andrews | ,, |
| | 4. Patrick O'Neill | ,, |
| | 5. Hon. H. Mulholland | ,, |
| | 6. R. M. McBride | ,, |
| | 7. T. W. McMullan | ,, |
| | 8. Thomas R. Lavery | ,, |
| Dublin .. .. .. | 1. Frank Lawless | Present |
| | 2. George Gavan Duffy | ,, |
| | 3. Desmond Fitzgerald | ,, |
| | 4. James Derham | ,, |
| | 5. Mrs. Pearse | ,, |
| | 6. James Dwyer | ,, |
| Fermanagh and Tyrone .. | 1. Arthur Griffith | ,, |
| | 2. Seán Milroy | ,, |
| | 3. John O'Mahony | ,, |
| | 4. Rt. Hon. E. M. Archdale | Absent |
| | 5. James Cooper | ,, |
| | 6. W. Coote | ,, |
| | 7. W. T. Miller | ,, |
| | 8. T. J. S. Harbinson | ,, |

| | | |
|---|---|---|
| Galway .. .. .. | 1. William Mellowes | Present |
| | 2. Dr. Brian Cusack | ,, |
| | 3. Frank Fahy | ,, |
| | 4. P. Ó Máille | ,, |
| | 5. George Nicholls | ,, |
| | 6. P. J. Hogan | ,, |
| | 7. Prof. J. Whelehan | ,, |
| Kerry and West-Limerick | 1. Austin Stack | Present |
| | 2. Piaras Béaslaí | ,, |
| | 3. Fionán Lynch | ,, |
| | 4. J. Crowley | ,, |
| | 5. Con Collins | ,, |
| | 6. E. Roche | ,, |
| | 7. P. J. Cahill | ,, |
| | 8. T. O'Donoghue | ,, |
| Kildare and Wicklow .. | 1. Art O'Connor | ,, |
| | 2. D. Buckley | ,, |
| | 3. Erskine Childers | ,, |
| | 4. Robert C. Barton | ,, |
| | 5. Christopher M. Byrne | ,, |
| Leitrim and Roscommon N. | 1. Count George Plunkett | ,, |
| | 2. James Dolan | ,, |
| | 3. Andrew Lavin | ,, |
| | 4. Thomas Carter | ,, |
| Longford and Westmeath | 1. Joseph McGuinness | ,, |
| | 2. Laurence Ginnell | Absent |
| | 3. J. J. McKeon | Present |
| | 4. Lorcan Robbins | ,, |
| Limerick City and Limerick E. | 1. Mrs. O'Callaghan | ,, |
| | 2. Dr. Hayes | ,, |
| | 3. M. P. Collivet | ,, |
| | 4. William Hayes | ,, |
| Louth and Meath .. .. | 1. J. J. OKelly | Present |
| | 2. Edmund J. Duggan | ,, |
| | 3. Peter Hughes | ,, |
| | 4. Alderman James Murphy | ,, |
| | 5. Justin McKenna | ,, |
| Mayo, N. and W. .. .. | 1. Dr. J. Crowley | ,, |
| | 2. Joseph MacBride | ,, |
| | 3. Thomas Derrig | ,, |
| | 4. P. J. Ruttledge | ,, |
| Mayo, S. and Roscommon, S. | 1. William Sears | ,, |
| | 2. Henry Boland | Absent (took his seat on 22/8/21) |
| | 3. T. Maguire | Present |
| | 4. D. O'Rourke | ,, |
| Monaghan .. .. .. | 1. Ernest Blythe | ,, |
| | 2. John MacEntee | ,, |
| | 3. Eoin O'Duffy | ,, |

| | | |
|---|---|---|
| Sligo and Mayo, E. .. | 1. Dr. Ferran | Present |
| | 2. Alex MacCabe | ,, |
| | 3. T. O'Donnell | ,, |
| | 4. J. Devins | ,, |
| | 5. Francis Carty | ,, |
| Tipperary, South, North and Mid. | 1. Joseph MacDonagh | ,, |
| | 2. James Burke | ,, |
| | 3. P. J. Maloney | ,, |
| | 4. P. J. O'Byrne | ,, |
| Waterford .. .. .. | 1. Cathal Brugha | Present |
| | 2. Dr. Vincent J. White | ,, |
| | 3. Frank Drohan | ,, |
| | 4. Edward Dee | ,, |
| | 5. James Robinson | ,, |
| Wexford .. .. .. | 1. Dr. James Ryan | ,, |
| | 2. Seán Etchingham | ,, |
| | 3. R. Corish | ,, |
| | 4. James Doyle | ,, |
| Belfast, S. .. .. .. | 1. T. Moles | Absent |
| | 2. H. M. Pollock | ,, |
| | 3. Sir C. McCullagh | ,, |
| | 4. Mrs. Julia McMordie | ,, |
| Belfast, N. .. .. .. | 1. Lloyd Campbell | ,, |
| | 2. S. McGuffin | ,, |
| | 3. W. Grant | ,, |
| | 4. R. J. McKeown | ,, |
| Belfast, E. .. .. .. | 1. Sir Dawson Bates | ,, |
| | 2. Captain H. Dixon | ,, |
| | 3. T. Donald | ,, |
| | 4. J. A. Duff | ,, |
| Belfast, W. .. .. .. | 1. T. H. Burn | ,, |
| | 2. J. Devlin | ,, |
| | 3. W. J. Twaddell | ,, |
| | 4. R. J. Lynn | ,, |
| Dublin, Mid. .. .. | 1. Seán T. O'Kelly | Present |
| | 2. Philip Shanahan | ,, |
| | 3. Mrs. Clarke | ,, |
| | 4. Seán McGarry | ,, |
| Dublin, N.W. .. .. | 1. Michael Staines | ,, |
| | 2. Richard Mulcahy | ,, |
| | 3. Joseph McGrath | ,, |
| | 4. Philip Cosgrave | ,, |
| Dublin, S. .. .. .. | 1. Alderman Thomas Kelly | Absent |
| | 2. Countess C. Markievicz | Present |
| | 3. Alderman C. Murphy | ,, |
| | 4. Daniel McCarthy | ,, |
| Cork City .. .. .. | 1. Liam de Róiste | ,, |
| | 2. J. J. Walsh | ,, |
| | 3. Miss M. MacSwiney | Absent (took her seat on 22/8/21) |
| | 4. D. O'Callaghan | Present |

| | | |
|---|---|---|
| National University of Ireland | 1. Eoin MacNeill | Present |
| | 2. Michael Hayes | ,, |
| | 3. Dr. Ada English | ,, |
| | 4. Prof. W. F. Stockley | ,, |
| Trinity College .. .. | 1. Sir James Craig | Absent |
| | 2. Professor Thrift | ,, |
| | 3. E. E. Alton | ,, |
| | 4. G. F. Fitzgibbon | ,, |
| Queen's University .. | 1. John Campbell | Absent |
| | 2. R. J. Johnstone | ,, |
| | 3. H. Morrison, M.D. | ,, |
| | 4. J. H. Robb, B.L. | ,, |
| Leix and Offaly .. .. | 1. Dr. P. MacCartan | Present |
| | 2. Kevin O'Higgins | ,, |
| | 3. Joseph P. Lynch | ,, |
| | 4. Frank Bulfin | ,, |

## APPENDIX 20

### Dáil Éireann

### Ministry appointed on 26th August, 1921

*The Cabinet*

| | |
|---|---|
| President .. .. .. .. .. .. | Eamon de Valera |
| Secretary of State for Foreign Affairs .. .. | Arthur Griffith |
| Secretary of State for Home Affairs .. .. | Austin Stack |
| Secretary of State for Defence .. .. .. | Cathal Brugha |
| Secretary of State for Finance .. .. .. | Micheál Ó Coileáin |
| Secretary of State for Local Government .. | Liam Mac Cosgair |
| Secretary of State for Economic Affairs .. | Riobard Bartún |

*Extra Cabinet Ministers*

| | |
|---|---|
| Assistant Secretary of State for Local Government .. .. .. .. .. | Caoimhghín Ua hUigín |
| Secretary for Fine Arts .. .. .. .. | Count Plunkett |
| Secretary for Publicity .. .. .. | Deasmhumhain Mac Gearailt |
| Secretary for Education .. .. .. .. | S. S. Ó Ceallaigh |
| Secretary for Labour .. .. .. .. | Countess Markievicz |
| Secretary for Trade and Commerce .. .. | Earnán de Blaghd |
| Secretary for Agriculture .. .. .. | Art Ó Conchubhair |
| Secretary for Fisheries .. .. .. .. | Seán Etchingham |

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Wt. — R59682. 1,500. 1/72. C.&Co. (5746). Special.